

2004 - Business House Pending Rule (Yellow)

ADMINISTRATIVE RULES REVIEW

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IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-204(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the July 2, 2003 Idaho Administrative Bulletin, Volume 03-7, pages 15 through 19.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

DATED this 7th day of October, 2003.

Barbara R. Porter, Executive Director
Idaho State Board of Accountancy
1109 Main Street, Owyhee Plaza Suite 470
PO Box 83720
Boise, Idaho 83720-0002
Phone: 208-334-2490
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E-mail: bporter@boa.state.id.us

IDAPA 01, TITLE 01, CHAPTER 01

IDAHO ACCOUNTANCY RULES

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-7, July 2, 2003, pages 15 through 19.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-204(1) Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rules implement the changes that were approved by the 2003 Legislative Session in HB 31, which becomes law on July 1, 2003. HB 31 was our clean up or "trailer bill" to the Uniform Accountancy Act Legislation of 2002. The 2002 legislation was a complete rewrite of the Idaho Accountancy Act. As with any major change to Idaho Code, the State Board found a series of technical corrections that needed to be made. House Bill 31 clarified intent and corrected inconsistent references.

The proposal: reiterates a license not renewed within 30 days of the deadline goes into lapsed status; requires licensees to disclose discipline taken against their license in another state; allows us to grant practice privileges to other states' licensees who were licensed in 4 of the last 10 years; uses standard wording when referring to services provided "in this state"; provides for the reinstatement of an inactive or retired license; and allows licensees to elect inactive or retired status at any time, rather than only during license renewal.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

HB 31 was passed during the 2003 Legislative Session with an effective date of July 1, 2003. Temporary rules are necessary to implement the new facets of the law at the time the law becomes effective.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Board of Accountancy held public hearings around the state, conducted surveys of interested parties, and sent multiple newsletters on the issues.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Barbara R. Porter, Executive Director, at 208-334-2490.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2003.

DATED this 19th day of May, 2003.

Barbara R. Porter, Executive Director
Idaho State Board of Accountancy
1109 Main Street, Owyhee Plaza - Suite 470
PO Box 83720, Boise, Idaho 83720-0002
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 01-0101-0301

301. ANNUAL LICENSE RENEWAL AND LATE FEE (Rule 301).

01. Renewal. Licenses shall expire on June 30 of each year. Practice privileges shall be granted through June 30 of each year provided the individual maintains an active license in good standing in his state of principle place of business. To renew, an individual must submit a renewal form and appropriate fee by the prescribed date. The renewal form shall require the individual to provide a business address and phone number, residence address and phone number, business connection or employer, whether or not the individual's work is subject to peer review, affidavit of good moral character, and other information as deemed necessary by the Board. (4-2-03)

02. Non-Renewal. Individuals choosing not to renew their license or practice privileges shall notify the Board, on the renewal form by the expiration date, of their intention. Upon such notification, the license or privileges shall be deemed lapsed. Individuals with lapsed licenses or practice privileges shall not publicly display their wall certificates, use the title CPA or LPA, or provide services that are reserved to licensees. (4-2-03)

03. Late Fee. Licenses and practice privileges renewed after July 1, but before August 1, shall be subject to the late renewal fee as prescribed in Rule 703. After August 1, ~~the Board may initiate suspension proceedings~~ any license not renewed shall be deemed lapsed and is subject to reinstatement pursuant to Section 54-2191, Idaho Code. ~~(4-2-03)~~(7-1-03)T

302. NOTIFICATION OF CHANGE OF ADDRESS, FELONY CHARGES, OR ACTIONS TAKEN (Rule 302).

Within thirty (30) days after its occurrence, a licensee or individual granted practice privileges shall notify the Board, in writing, of: (4-2-03)

01. Address Change. A change in the licensee's business address, residence address, or business connection, employer, or principal place of business; (4-2-03)

02. Felony Charge. Any felony charges; or (4-2-03)

03. Actions Taken. The issuance, denial, disciplinary action, restriction, revocation, or suspension of a certificate, license, or permit by another state or by any federal agency. ~~(4-2-03)~~(7-1-03)T

303. PRACTICE PRIVILEGES (Rule 303).

01. Substantially Equivalent. An individual who holds an active license in another state, whose principal place of business is not in this state, seeking practice privileges in this state, must certify, on a form prescribed by the Board, that either: (4-2-03)

a. The individual's license is from a jurisdiction with education, examination, and experience requirements comparable to or exceeding such requirements in this state; or (4-2-03)

b. The individual licensee's education, examination, and experience qualifications are comparable to or exceed such requirements of this state; or ~~(4-2-03)~~(7-1-03)T

c. The individual has no less than four (4) years' experience, provided the experience was obtained after original licensure as a certified public accountant and within the ten (10) years immediately preceding the practice privilege application. (7-1-03)T

02. Notice. A qualified individual seeking practice privileges in this state must comply with the notice requirement as follows: (4-2-03)

a. Notice shall be on forms prescribed by this Board providing such information as deemed necessary

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by the Board; (4-2-03)

b. Notice is immediately due and shall be received by the Board within fifteen (15) days after the qualified individual knowingly avails himself of the laws of this state by either accepting an engagement or an assignment to render professional services to persons in this state, or offering to render professional services through direct solicitation or marketing targeted to persons in this state, whether or not the qualified individual physically enters this state; (4-2-03)

c. The qualified individual shall accept responsibility for compliance with the Idaho Accountancy Act and these rules; (4-2-03)

d. Notice shall include a statement from the qualified individual agreeing to notify the Board and submit a reciprocity license application if the individual moves his principal place of business to this state; and (4-2-03)

e. Notice must be accompanied by the fee prescribed in Rule 701. (4-2-03)

03. Internet Disclosures. An individual entering into an engagement to provide professional services via a web site, pursuant to practice privileges granted by Idaho, shall disclose, via their web site, their principle state of licensure, license number, and address. A firm offering or rendering professional services to Idaho businesses or residents via a web site shall provide, in the web site's homepage, a means for regulators and the public to contact a responsible licensee in charge at the firm regarding complaints, questions, or regulatory compliance. (4-2-03)

04. Exclusion. Non-resident individuals shall not be deemed to have entered this state for purposes of Section 54-227, Idaho Code and notice is not required if the individual's contact with this state is limited to any of the following activities: (4-2-03)

a. Teaching either a college or continuing professional education course; (4-2-03)

b. Delivering a lecture; (4-2-03)

c. Moderating a panel discussion; (4-2-03)

d. Rendering professional services to the individual's employers or to persons employed by the individual's employer, including affiliated, parent, or subsidiary entities, provided such services are not rendered for the employer's clients; (4-2-03)

e. Performing peer reviews for a qualified administering organization; (4-2-03)

f. Providing professional services during no more than ten (10) days cumulatively in any calendar year ~~by either accepting an engagement or an assignment to render Professional Services to persons in this state, or offering to render Professional Services through direct solicitation or marketing targeted to persons in this state, whether or not the qualified individual physically enters this state.~~ (4-2-03)(7-1-03)T

(BREAK IN CONTINUITY OF SECTIONS)

502. EXCEPTIONS, EXTENSIONS, AND EXEMPTIONS (Rule 502).

01. Exceptions And Extensions. The Board may make exceptions to the CPE requirements or grant extensions of time for completion of the CPE requirements, where reasons of health as certified by a medical doctor prevent compliance by the licensee, or other good cause exists. (4-2-03)

a. Licensees asking for exceptions or extensions under these conditions must apply annually on the reporting form for the year in which the extension or exemption is sought, and within the time period set for CPE

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reporting, stating the reasons for asking for such exception or extension. Any licensee failing to file a timely application shall be subject to the late fee prescribed in Rule 703, in addition to any additional proceeding that may be instituted for violation of these rules. (4-2-03)

b. A penalty of no more than fifty percent (50%) of the hours a licensee is short in meeting the calendar year CPE requirement may be assessed for extensions. In such cases, the licensee shall be required to complete the CPE hours and any assessed penalty no later than May 31. (4-2-03)

02. Exemptions For Inactive Or Retired. Licensees who elect inactive or retired status ~~at the time of license renewal~~ shall be exempt from any CPE requirements provided that: ~~(4-2-03)~~ (7-1-03)T

a. The licensees do not perform or offer to perform for the public services involving: (4-2-03)

i. The use of accounting or auditing skills including the issuance of reports on financial statements, or of management advisory, financial advisory or consulting services; or (4-2-03)

ii. The preparation of tax returns, or the furnishing of advice on tax matters as a licensee. (4-2-03)

b. Licensees granted such exemption must place the word "inactive" adjacent to their CPA or LPA title on any business card, letterhead or any other document or device. The Board shall issue a wall certificate for public display that indicates the license is inactive; (4-2-03)

c. Those individuals who are inactive and have reached sixty (60) years of age may substitute the word "retired" for the word "inactive"; (4-2-03)

d. Licensees granted the exemption as either "inactive" or "retired" shall annually pay the license renewal fee as prescribed in Rule 701; and (4-2-03)

e. Licensees granted the exemption must comply with a return to active status competency requirement as set out in Rule 510 before they may discontinue use of the word "inactive" or "retired" in association with their CPA or LPA title. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

510. NEW LICENSEES, RECIPROCITY, REINSTATEMENT AND RE-ENTRY (Rule 510).

01. New Licensees. A new licensee will be required to comply with the CPE requirement beginning January 1st of the calendar year following the year in which the license was granted. The new licensee shall file the annual reporting form indicating that the licensee is exempt from obtaining CPE hours during the first year of licensure. The licensee shall be required to complete a minimum of thirty (30) hours during the second calendar year of licensure. (4-2-03)

02. Reciprocity. An individual who holds a valid and unrevoked certified public accountant license issued by any state, or comparable certificate or degree issued by any foreign country, and who receives a license to practice in this state, will be required to comply with the CPE requirement beginning January 1st of the calendar year following issuance of the license. The new licensee shall file the annual CPE reporting form, indicating the licensee is exempt from obtaining CPE hours during the first year of licensure. The licensee shall be required to complete a minimum of thirty (30) hours during the second calendar year of licensure. (4-2-03)

03. Reinstatement. An individual whose license has lapsed under Rule 301 shall complete no less than eighty (80) hours of CPE during the twelve (12) months immediately prior to applying for reinstatement of an active license. The applicant shall be required to identify and complete a program of learning designed to demonstrate the currency of the applicant's competencies directly related to his area of service. An individual whose license lapsed under Rule 301 applying for reinstatement of an inactive or retired license is not required to meet a CPE requirement.

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The applicant shall pay the license reinstatement fee prescribed in Rule 701 and shall have met the reinstatement requirements of Section 54-211, Idaho Code. ~~(4-2-03)~~(7-1-03)T

04. Re-Entry From Inactive Or Retired Status. A licensee, granted an exemption from the CPE requirement under Rule 502, may discontinue use of the word “inactive” or “retired” in association with the CPA or LPA title upon showing that the licensee has completed no less than eighty (80) hours of CPE during the twelve (12) months immediately prior to applying for return to active status. The licensee shall be required to identify and complete a program of learning designed to demonstrate the currency of the licensee’s competencies directly related to the licensee’s area of service. The licensee shall pay the annual license renewal fee prescribed in Rule 701. If a licensee applies for re-entry during a license period and has already paid the fee for an inactive or retired license, the licensee is required to pay the difference between the cost of an inactive or retired license and the annual license renewal fee. (4-2-03)

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.01 - RULES GOVERNING REPEAL OF EXISTING PLUMBING PERMIT RULES

DOCKET NO. 07-0201-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, page 26. This chapter is being repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 332-7154.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 07, TITLE 02, CHAPTER 01

RULES GOVERNING REPEAL OF EXISTING PLUMBING PERMIT RULES

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, page 26.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.01 - RULES GOVERNING REPEAL OF EXISTING PLUMBING PERMIT RULES

DOCKET NO. 07-0201-0301 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 54-2605(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule change repeals IDAPA 07.02.01 - Rules Governing Repeal of Existing Plumbing Permit Rules, Division of Building Safety as the chapter is no longer of any force or effect.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees being charged or imposed in this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule change is housekeeping in nature and the chapter being repealed is no longer of any force or effect.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 332-7154.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2003.

DATED this 27th day of June, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

IDAPA 07.02.01 IS BEING REPEALED IN ITS ENTIRETY

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.07 - RULES GOVERNING READOPTION OF RULES OF PLUMBING DIVISION

DOCKET NO. 07-0207-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, page 27. This chapter is being repealed in its entirety.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, 332-7154.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 07, TITLE 02, CHAPTER 07

RULES GOVERNING READOPTION OF RULES OF PLUMBING DIVISION

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, page 27.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.07 - RULES GOVERNING READOPTION OF RULES OF PLUMBING DIVISION

DOCKET NO. 07-0207-0301 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 54-2605(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule change repeals IDAPA 07.02.07 - Rules governing readoption of rules of plumbing division, Division of Building Safety as the chapter is no longer of any force or effect.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees being charged or imposed in this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule change is housekeeping in nature and the chapter being repealed is no longer of any force or effect.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ted Hogander, Plumbing Bureau Chief, 332-7154.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2003.

DATED this 27th day of June, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

IDAPA 07.02.07 IS BEING REPEALED IN ITS ENTIRETY

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.03 - RULES GOVERNING MODULAR BUILDINGS

DOCKET NO. 07-0303-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 25 through 27.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

IDAPA 07, TITLE 03, CHAPTER 03

RULES GOVERNING MODULAR BUILDINGS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 25 through 27.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.03 - RULES GOVERNING MODULAR BUILDINGS

DOCKET NO. 07-0303-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 7, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-4107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The temporary and proposed rule change is housekeeping in nature and eliminates reference to provisions for replacing lost insignia for modular buildings, which historically never occurs. This rule change also deletes fees for out of state inspection charges as the Building Bureau no longer performs out of state inspections. Lastly, the change deletes references to plumbing and electrical fees, which are charged by the Plumbing and Electrical Bureaus.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as the change confers a benefit to the public by eliminating unnecessary fees.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rule changes are housekeeping in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
(208) 334-3951 / (208) 855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0303-0301

2004 - Business House Pending Rule (Yellow)

017. INSIGNIA.

01. Required Insignia. Each modular building section substantially prefabricated and assembled shall bear a division insignia prior to leaving the manufacturing facility. Assigned insignia are not transferable and are void when not affixed as assigned. All such voided insignia shall be returned to, or may be confiscated by the division. Insignia remain the property of the division and may be reappropriated by the division in the event of violation of conditions of approval. Assigned insignia affixed in the field shall be under the direction of the division's authorized agent. (5-3-03)

a. Single units shall have the insignia permanently attached below the electrical service entrance. (6-12-79)

b. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. (6-12-79)

c. Each section of a multiple modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (5-3-03)

02. Application For Insignia. The manufacturer shall make application for an insignia for each unit to be manufactured as required by IDAPA 07.03.03.017.01. The permit/insignia application shall be submitted to the division in accordance with IDAPA 07.03.06 and shall include the appropriate fees. Applications shall include the serial number of each unit for which an insignia is requested. (5-3-03)

03. Alteration Or Conversion. (6-12-79)

a. Factory alterations or conversions of an approved modular building prior to first occupancy shall NOT take place until a permit under the provisions of IDAPA 07.03.06 has been obtained. (5-3-03)

b. Non-factory alterations or conversions. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility and/or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. (5-3-03)

04. Denial Of Insignia. Should inspection reveal that a manufacturer is not manufacturing units according to the codes specified in Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. (5-3-03)

05. Removal Of Insignia. (6-12-79)

a. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in Title 39, Chapter 41, Idaho Code, or these rules, the division may remove the insignia and shall furnish the owner or his agent with a written statement of violations. (5-3-03)

b. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the division shall issue a replacement insignia. (5-3-03)

~~**06. Lost Insignia.**~~ (6-12-79)

~~**a.** When an insignia of approval becomes lost or damaged, the division shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the unit serial number, and when possible the insignia number.~~ (5-3-03)

2004 - Business House Pending Rule (Yellow)

DIVISION OF BUILDING SAFETY Rules Governing Modular Buildings

Docket No. 07-0303-0301
Temporary and Proposed Rulemaking

~~b. All damaged insignia shall be promptly returned. Damaged or lost insignia shall, upon payment of the replacement insignia fee as provided in the fee schedule, be replaced by the division with a replacement insignia, which shall bear the date of issue of the original insignia, and which shall be designated as a replacement insignia, provided the unit still meets the standards prescribed by these rules. (5-3-03)~~

018. FEE SCHEDULE.

01. Modular Building Fees. Other than as herein specified in this section, the fee schedule for modular buildings shall be as provided by IDAPA 07.03.06, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (5-3-03)

~~**02. Plumbing And Electrical Fees.** In addition to the fees prescribed in IDAPA 07.03.03.019.01, plumbing and electrical inspection fees in accordance to those prescribed in the Plumbing Laws and Regulations and the Electrical Laws and Regulations shall apply, and shall be paid to the division. (5-3-03)~~

~~**03. Requested Inspection, Out Of State And Field Technical Service Fees.** Fee equal to total travel cost based on published air fare, or equivalent rate, between Boise, Idaho, and the location of the factory or site plus necessary supplemental surface transportation, and reimbursement for the actual cost of food and lodging plus the fees prescribed in this section. (1-13-81)~~

~~**04. Insignia Replacement Fee.** Ten dollars (\$10). (1-13-81)~~

052. Plan Review Fee. For all systems, the plan approval fees shall be charged as specified in IDAPA 07.03.01.015.03, thirty-six dollars (\$36) per hour. (1-13-81)

063. Insignia Tag Fee. In instances where building permit fees are not charged for modular buildings, a twenty-five dollar (\$25) fee will be charged for an insignia. (5-3-03)

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.08 - RULES GOVERNING COMMERCIAL COACHES

DOCKET NO. 07-0308-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 28 and 29.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

IDAPA 07, TITLE 03, CHAPTER 08

RULES GOVERNING COMMERCIAL COACHES

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 28 and 29.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.08 - RULES GOVERNING COMMERCIAL COACHES

DOCKET NO. 07-0308-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 7, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-4107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The temporary and proposed rule change is housekeeping in nature and eliminates reference to provisions for replacing lost insignia for commercial coaches, which historically never occurs. Prior rulemaking eliminated the insignia replacement fee altogether, but missed this reference.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate as the change confers a benefit to the public by eliminating unnecessary fees.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rule changes are housekeeping in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, Division of Building Safety, (208) 332-7151.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
(208) 334-3951 / (208) 855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0308-0301

017. INSIGNIA.

2004 - Business House Pending Rule (Yellow)

DIVISION OF BUILDING SAFETY Rules Governing Commercial Coaches

Docket No. 07-0308-0301 Temporary and Proposed Rulemaking

01. Required Insignia. All commercial coaches offered for rent, lease or sale in the state of Idaho, shall bear division insignia of compliance prior to leaving the manufacturing plant. (5-3-03)

02. Assignment Of Insignia. Each insignia shall be assigned and affixed to a specific unit. Assigned insignia are not transferable and are void when not affixed as assigned. All assigned insignia not affixed to the specific unit shall be returned to, or may be confiscated by, the division. The insignia shall remain the property of the division, and may be reappropriated by the division in the event of violation of the conditions of approval. (5-3-03)

03. Application For Insignia. Following receipt of plan approval, the unit manufacturer shall make application for an insignia for each unit offered for rent, lease or sale in the state of Idaho. The permit/insignia application shall be submitted to the division, accompanied by the appropriate insignia fees pursuant to IDAPA 07.03.08.019. The application shall include the plan approval number, model designation and the serial number of each unit for which an insignia is requested. Multiple units shall be designated where applicable. An insignia is required for each section of the multiple units. (5-3-03)

04. Denial Of Insignia. Should inspection reveal that the manufacturer is not manufacturing units according to plans approved by the division and such manufacturer, after having been served with written notice setting forth in concise terms the violation, continues to manufacture units without correcting any such violations, applications for new insignia shall be denied and the insignia previously issued shall be subject to confiscation. Upon satisfactory proof of compliance, such manufacturer may resubmit an application for insignia. (5-3-03)

05. Removal Of Insignia. In the event that any unit bearing an insignia is found to be in violation of these rules and regulations, the division shall remove the insignia after furnishing the manufacturer, renter, lessor owner, or agent thereof, with a written statement of such violation. The division shall not issue a new insignia until corrections have been made and the manufacturer, owner, renter, lessor, or agent thereof has requested an inspection pursuant to IDAPA 07.03.08.015. (5-3-03)

~~**06. Lost Insignia.** When an insignia of compliance becomes lost or damaged by the owner of a unit, the division shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the unit's serial number, and when possible, the insignia number. All damaged insignia shall be promptly returned. Damaged or lost insignia shall be replaced by the division with a replacement insignia which shall bear the date of the original insignia, and which shall be designated as a replacement insignia upon payment of the replacement insignia fee as provided in IDAPA 07.03.08.019. (5-3-03)~~

076. Serial Number. Each commercial coach rented, leased or sold, or offered for rent, lease or sale in Idaho, shall bear a legible identifying serial number in accordance with the provisions of this section, which shall include the state of manufacture. (12-5-75)

087. Stamp Of Serial Number And State Of Manufacture. The unit serial number and the state of manufacture shall be stamped into the foremost crossmember of all commercial coaches. Letters and numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than two hundredths (0.02) inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high. (3-1-79)

~~**098. Multiple Commercial Coaches.** Each section of multiple commercial coaches shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (5-3-03)~~

~~**409. Data On Insignia.** The date of manufacture, showing month, week and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia. (12-5-75)~~

~~**140. Insignia Location.** All insignias shall be located not less than six (6) inches above the floor line. Single units shall have the insignia permanently attached on the exterior wall adjacent to the main door. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units the insignia shall be permanently attached on the interior wall next to the major access opening. (12-5-75)~~

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.12 - RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

DOCKET NO. 07-0312-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 44-2201, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, page 30.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

IDAPA 07, TITLE 03, CHAPTER 12

RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, page 30.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.12 - RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

DOCKET NO. 07-0312-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 44-2201, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The temporary and proposed rule change replaces the adopted January 1, 2003 edition of the "Idaho Manufactured Home Installation Standard" (Standard) with the January 1, 2004 edition. The January 1, 2004 revised standard incorporates important new provisions to require derating of gas and oil appliances to prevent unsafe combustion and carbon monoxide poisoning. Various minor changes have been made within the Standard.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a) and (c), Idaho Code, the Governor has found this temporary adoption of the rule is appropriate as the change is necessary to protect the public safety and confers a benefit to the industry.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the temporary and proposed rule changes are housekeeping in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0312-0301

004. ADOPTION AND INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2003~~4~~) edition) is hereby adopted and incorporated by reference into IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," Division of Building Safety. A current copy is available for review or copying at the office of the Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642. ~~(5-3-03)~~(1-1-04)T

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1904, 54-1907 and 54-1910 through 54-1912, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 31 through 43.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 29th day of October, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

IDAPA 07, TITLE 05, CHAPTER 01

RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 31 through 43.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 54-1904, 54-1907 and 54-1910 through 54-1912, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule changes are necessary to implement the legislation adopted by the 1999 and 2001 Legislatures. The changes update office information, clarify the application and hearing processes, add definition of terms, and delete references to language that already appear in statute. Also adds required sections to beginning of rule.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule change is housekeeping in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August, 2003.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 334-3951
Fax: (208) 855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0501-0301

000. LEGAL AUTHORITY.

The authority of the Board to adopt rules of practice and procedure is provided in This chapter is adopted pursuant to Section 54-1907, Idaho Code, as amended. ~~(7-1-93)~~()

2004 - Business House Pending Rule (Yellow)

DIVISION OF BUILDING SAFETY Public Works Contractors License Board

**Docket No. 07-0501-0301
Proposed Rulemaking**

001. TITLE.

These rules shall be cited as IDAPA 07.05.01, "Rules of the Public Contractors License Board". ()

002. INTENT.

The Board believes the legislature in providing the License Act and subsequent amendments thereto, intended to afford some protection to officials of units of government at all levels in their dealing with persons, firms or corporations engaging in the construction, reconstruction or repair of Public Works. The licensing of a person, firm or corporation as a "Public Works Contractor" ~~shall give~~ is intended to provide the investing public body some assurance of the contractor's reputation, ability, qualifications, experience and financial responsibility. ~~(7-1-93)~~ ()

003. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. ()

004. ADMINISTRATIVE APPEALS.

The administrative procedures governing this chapter are outlined herein. ()

005. -- 009. (RESERVED).

00310. DEFINITIONS.

As used in these rules. (7-1-93)

01. Administrator. Refers to the administrator of the Division of Building Safety. ()

~~042.~~ **Applicant.** Shall mean any person who has filed an application with the ~~Board~~ administrator. ~~(7-1-93)~~ ()

~~02. Licensee.~~ Shall mean any individual proprietor, copartnership, limited liability partnership, limited liability company, corporation, joint venture or other business organization who holds a current, unrevoked license. ~~(3-19-99)~~

03. Board. Refers to the Public Works Contractors License Board which is created within the Idaho Division of Building Safety as set forth in Title 54, Chapter 19, Idaho Code. ()

04. Compiled. Refers to a type of financial statement in which the information presented is based solely upon representations by an organization's management. ()

05. Financial Statement. A balance sheet and income statement prepared in accordance with generally accepted accounting principles. ()

06. Incidental Work. Shall mean work, the nature of which does not require any additional trade licenses and which may be carried out in conjunction with an activity for which the licensee is licensed, but is not intended to produce an amount of income over ten percent (10%) of the total bid amount. ()

07. Independent Audit Report. A report prepared by an independent certified public accountant presenting such auditor's opinion on the fairness of the organization's financial statements and prepared in accordance with generally accepted auditing standards. ()

08. Licensee. Includes any individual proprietor, partnership, limited liability partnership, limited liability company, corporation, joint venture, or other business organization holding a current, unrevoked public works contractor license. ()

~~039.~~ **Petitioner.** Shall mean: (7-1-93)

a. Any licensee who has filed with the Board a written request for the change or addition to the types of construction for which he is licensed; (7-1-93)

b. Any applicant or licensee requesting a rehearing in any proceeding or appealing from the final

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decision or order of the administrator or the board; (7-1-93)()

c. Any interested person requesting the promulgation, amendment or repeal of a rule, or; (7-1-93)

d. Any interested person requesting a declaratory ruling on the applicability of the License Act or of any rule or order of the Board. (7-1-93)

~~04. Staff. Shall mean Executive Director or other members of the staff as appropriate who may appear and participate in any proceedings before the Board.~~ (3-19-99)

~~05. Hearing Officer. Shall mean that person designated by the Chairman of the Board to conduct or assist in any proceeding before the Board.~~ (7-1-93)

~~06. Legal Counsel. For the Board shall be as designated by the Board.~~ (3-19-99)

~~07. Supplier. Persons who only supply goods or equipment to a construction project and do not perform any other construction contracting duties. Suppliers shall be exempt from licensure.~~ (3-19-99)

~~08. Executive Director. Shall refer to and shall mean the same as the Registrar.~~ (3-19-99)

10. Reviewed. Refers to a financial statement that is accompanied by the opinion of a certified public accountant stating that, based upon representations by the organization's management, the reviewer has a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements in order for the statements to be in accordance with generally accepted accounting principles. ()

~~00411. -- 099. (RESERVED).~~

100. PLACE OF BUSINESS BOARD OFFICE -- LOCATION, HOURS, MAILING ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER.

The ~~principal place of business~~ address of the ~~B~~board shall be office, and its mailing address, is 355 N. Orchard, Suite 107, PO Box 83720, Statehouse Mail, Boise, ID 83720-0073, 1090 E. Watertower Street, Meridian, Idaho 83642. Office hours are from 8 a.m. until 5 p.m., daily. The office is closed on weekends and holidays. The board telephone number is (208) 327-7326 334-4057, fax and the facsimile number is (208) 327-7377 855-9666. office hours 8:00 a.m. to 5:00 p.m. (3-19-99)()

101. MEETINGS.

~~Notice of regular and special meetings. The Executive Director shall give due notice of any regular or special meeting to each member of the Board~~ Meetings of the board are subject to the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code. (3-19-99)()

102. COMMUNICATION.

All written communications, forms and documents concerning any matter covered by the Act or these rules shall be addressed to the ~~Executive Director of the Board~~ (administrator and not to members of the ~~B~~board or staff). All communications are deemed officially received only when delivered to the principal board office ~~of the Board~~. Documents may be submitted by facsimile but not by other electronic or computerized means. (3-19-99)()

103. PETITIONS.

~~Petitions may be filed by application.~~ An applicant or licensee seeking an rehearing of the decision and order or decision of the administrator or the Bboard on any application or other matter, or in any disciplinary proceeding, must file a written petition. (3-19-99)()

104. FORM AND CONTENT OF PETITION.

01. Form. The ~~form~~ petition, including the heading, the name of the petitioner or person making the request, and the purpose of the petition shall be in substantially the manner prescribed in these rules following form: (3-19-99)()

~~02a.~~ Paragraph 1-~~S~~ shall state the petitioner's ~~interest in the matter~~ name, address, and license number.

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~~03b.~~ Paragraph 2-~~S~~ shall state the petitioner's request in brief, precise and specific terms, including references to any pertinent statutes or rules, and shall provide a detailed explanation of the purpose for the request.

(3-19-99)()

~~04c.~~ Paragraph 3-~~S~~ shall contain the statements of fact to support the petitioner's request. Briefs and supporting documents may accompany petitions.

(3-19-99)()

~~052.~~ **Dated And Signed.** The petition shall be dated and signed by the petitioner. (3-19-99)

~~063.~~ **Filed.** The petition shall be filed ~~with the Board. The Board shall acknowledge the petition by First Class Mail with the notice of hearing or the decision of the Board in the matter~~ as set forth in Section 102.

(3-19-99)()

~~105. REVIEW.~~

~~Petitions will be reviewed, heard and decided at regular monthly meetings of the Board.~~

(3-19-99)

~~1065. SPECIAL PROVISIONS GOVERNING LICENSE RENEWAL - FILING DEADLINES; PETITIONS FOR EXTENSION OF TIME TO FILE; LAPSED LICENSES.~~

~~01.~~ **Filing Deadline.** Applications for renewal of a license shall be filed by the last working day of the month in which the license expires. ()

~~042.~~ **Filing Deadline Extension Of Time.** A ~~written~~ petition for an extension of time in which to renew shall be filed by the last working day of the month in which the license expires. The petition shall ~~state briefly and concisely the reason(s) for the extension of time~~ be accompanied by the required fees. Petitions not accompanied by the required fees or filed after the license has expired will not be honored. ()

i. The petition shall ~~request an extension be granted for a specified~~ specify the number of days for which the extension is being requested. ()

ii. ~~not to~~ Under no circumstances shall an extension exceed sixty (60) days. Petitions for more than sixty (60) days will not be honored. (3-19-99)()

~~02.~~ **Accompaniments.** ~~The petition shall be accompanied by the proper license fees and filed with the Board not later than the last day of the licensing period. A petition filed without the fees or filed after the license has expired will not be honored.~~ (3-19-99)

~~03.~~ **Approval Of Petition.** Approval of a petition for an extension of time shall authorize operation as a contractor until actual issuance of such renewal license for the ensuing licensing period, provided the application for renewal is filed with the Board within the extended time specified. (3-19-99)

~~04.~~ **Failure To File.** ~~Should if~~ If the licensee fails to file ~~his~~ a timely application for renewal ~~on or before the last day of the extended time specified in the notice or petition for extension,~~ his the license shall lapse and expire ~~on that the last day of the license period. Licenses not renewed in a timely manner shall be considered delinquent for a period of one (1) year from the last day of the license period and may be renewed at any time during that year. Licenses delinquent for more than a period of one (1) year must be reinstated and the applicant for reinstatement must apply as if for a new license.~~ (3-19-99)()

~~1076. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.~~

~~The~~ A petition to change or add types of construction shall be supported by evidence, ~~or~~ satisfactory to the administrator, of work history, job performance, experience, equipment, ~~and~~ financial responsibility, ~~as deemed necessary in the circumstances~~ and a minimum of three (3) letters of reference. The evidence of work history, job performance, experience, and financial responsibility shall comply with the requirements of Subsections 110.01 and 110.02 of these rules. All of the evidence shall specifically pertain to work that is similar in scope and value to that for which the change or addition is being requested. (3-19-99)()

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1087. RECORDS.

The Board shall maintain in its offices in Boise, Idaho, an indexed record of all applications, licenses issued, licenses renewed and all revocations, cancellations, and suspensions of licenses records are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-19-99)(____)

~~109. COPIES.~~

The Board shall furnish a certified copy of any license issued upon receipt of the sum of fifty cents (\$.50). (3-19-99)

~~110. DIRECTORY LISTS.~~

The Board shall publish a directory of the names and addresses of contractors licensed pursuant to Title 54, Chapter 19, Idaho Code. (3-19-99)

01. ~~Furnish Lists.~~ *The Board may furnish lists to such public works and building departments, public officials or public bodies, architects and professional engineers, and other persons interested in or allied with the building and construction industry in this or any other state as deemed advisable, and at such intervals as deemed necessary, whenever funds therefor are available.* (3-19-99)

02. ~~Request For Copies.~~ *Copies of the list may be furnished by the Board upon request to any firm or individual upon payment of a reasonable fee fixed by the Board.* (3-19-99)

~~111. POCKET CARDS.~~

The Board may issue pocket cards to licensees that may serve as satisfactory evidence of the possession of a license and current renewal. (3-19-99)

~~112. STATEMENT FOR PUBLIC WORKS PROJECTS.~~

The Board shall promote and encourage the publication of a statement regarding licensing requirements in the advertised specifications for public works projects. (3-19-99)

~~113. POSTED NOTICES.~~

The Board shall promote and encourage the posting of notices regarding licensing requirements in conspicuous places in public offices and buildings. (3-19-99)

~~114. PUBLICATION.~~

The Board shall, upon request and periodically, as needed, publish and distribute statements and placards regarding licensing requirements to public officials, architects, engineers and other interested persons. (3-19-99)

~~115. BID PROPOSALS.~~

The Board shall promote and encourage the use of provisions requiring the posting of license certificate numbers on bid proposal forms for public works projects. (3-19-99)

~~116. NAMING SUBCONTRACTORS.~~

The Board shall promote and encourage the use of provisions requiring the posting of license certificate numbers in those instances where subcontractors and specialty contractors are required to be named in the bid proposal form for public works projects. (3-19-99)

11708. REVIEW.

The Board may review the basis for a contested case at any regular or special meeting Any final decision of the administrator or the board may be reviewed in accordance with the provisions of the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (3-19-99)(____)

~~118. ANSWER.~~

An answer to a citation and complaint shall be filed within ten (10) days after the citation is served. Answers shall be reviewed at regular or special meetings of the Board. (3-19-99)

~~1109. NOTICE OF HEARING.~~

In any contested case where a hearing is set, due notice of the date, time and place shall be served on or other matter of board business, written notification, mailed to the licensee or the applicant or licensee by Certified Mail, and such

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~~other interested persons, including complainants, by First Class Mail at the most current address on record with the board, shall constitute sufficient notification for all purposes within Title 54, Chapter 19, Idaho Code, and these rules.~~
~~(3-19-99)()~~

1210. APPLICATION FOR LICENSURE - DOCUMENTATION; APPRAISALS; REFERENCES; BONDING; AND FINANCIAL STATEMENTS.

~~The Board may, at its discretion, require that the financial reports furnished by the applicant be prepared by an accountant. All financial information submitted by an applicant shall be considered confidential and exempt from public inspection.~~
~~(3-19-99)~~

01. Application Documentation. To obtain a license, the applicant shall submit to the administrator, on such forms as the administrator shall prescribe, accompanied by the required fee for the class of license applied for, a written, notarized application for such license. All of the information submitted by the applicant shall specifically pertain to work that is similar in scope and value to that for which licensure is being requested or which is being requested in a petition to change or add types of construction. The information contained in such application forms shall include: ()

a. A complete statement of the general nature of applicant's contracting business, including a concise description of the applicant's experience and qualifications as a contractor and a list of clients for whom work has been performed; ()

b. A description of the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; ()

c. A general description of applicant's machinery and equipment; ()

d. An annual financial statement, as herein defined, that was issued no more than twelve (12) months prior to the date of submission of the application, indicating compliance with such financial requirements as the board may prescribe by rule and which may include a letter from applicant's bonding company stating the amount of the applicant's bonding capability per project and in the aggregate; ()

e. For class A, AA, and AAA license applications, financial statements shall be accompanied by an independent auditor's report or be reviewed. For class B license applications, financial statements must be accompanied by an independent audit report or be reviewed or compiled by a certified public accountant. For class C and D license applications, financial statements must be accompanied by an independent audit report or be reviewed, compiled, or on the form provided by the administrator, and include such additional information as may be required by the administrator to determine the applicant's fitness for a license. ()

f. The name, social security number, and business address of an individual applicant or, if the applicant is a partnership, its tax identification number, business address, and the names and addresses of all general partners; and if the applicant is a corporation, association, limited liability company, limited liability partnership, or other organization, its tax identification number, business address, and the names and addresses of the president, vice president, secretary, treasurer, and chief construction managing officers, or responsible managing employee. ()

02. Application For Change In Licensing Class. Requests for a licensing class higher than that for which the applicant qualifies shall be accompanied by the information in Subsections 110.01.a., 110.01.b., 110.01.d., and 110.01.e., and the applicable fee. Licenses granted under Subsection 110.02 shall be valid for a period of twelve (12) months from the date of issuance. ()

03. Extension Of Time To File Financial Statement. The administrator may grant an extension of time to file the annual financial statement if the licensee provides an interim compiled balance sheet and income statement for the applicant's fiscal year-to-date, duly certified as true by the applicant, and if a partnership, limited liability company, or limited liability partnership by a member thereof, and if a corporation, by its executive or financial officer. Such renewal application shall be filed prior to the first day of such renewal licensing period. In the event an extension is granted, the renewal license shall be valid for a period of twelve (12) months from the date of the issuance of the renewal license. ()

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~~12104.~~ **Appraisals.** The Board administrator may, ~~in its discretion,~~ require ~~the~~ submission of an independent appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals shall be conducted by a disinterested person or firm established and qualified to perform such services. (3-19-99)()

~~12205.~~ **References.** The Board administrator may, ~~in its discretion,~~ require an applicant for an original or renewal license to furnish such personal, business, character, financial, or other written references as ~~the Board may~~ deemed necessary and advisable in determining the applicant's qualifications. (3-19-99)()

06. Bonding. Applicants may submit letters from a bonding company, not an insurance agent, stating the amount of the applicant's bonding capability per project and in the aggregate, together with supporting information. ()

~~12311.~~ **ORAL COMPLAINTS.**

~~An oral~~ Complaints alleging a violation of the License Act or these rules shall be ~~reduced to~~ in writing; and filed with the administrator as provided in these rules. All complaints must be verified; and filed with submitted on forms provided by the Board in the form and manner provided in these rules. (3-19-99)()

~~124.~~ **DETERMINING COVERAGE.**

~~The Board shall make its own determinations as to whether contractors, builders, subcontractors, specialty contractors, or material men are covered by Title 54, Chapter 14, Idaho Code, even though such determinations may differ from those of the owner, other interested persons or agencies. The Board may make its own determinations as to whether a specific type of work or project shall be regarded as "public works construction" within the meaning of the License Act, even though such determinations may differ from those of the owner, other interested persons or agencies.~~ (3-19-99)

~~12512.~~ -- 199. (RESERVED).

200. CLASSES LIMITATIONS.

~~01.~~ **Class.** "Class" of any license shall be as designated and defined in Section 54-1904, Idaho Code as amended. (7-1-93)

021. Limit Of One License. A licensee will be permitted to hold only one (1) class of license at any given time. (7-1-93)()

~~03.~~ **Filing Upgrade Application.** ~~A licensee in one class who desires a license of another class shall prepare and file an upgrade application, current financial statement and pay the fee for such other class.~~ (3-19-99)

042. Voiding Old Previous License Null And Void. When a licensee of one class has been issued a license of another class, the previous license shall be null and void. (7-1-93)()

03. Total Bid Cost. The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except class AAA, shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of the subcontractors. Subcontractor bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project. ()

04. Two Or More Licensees. Two (2) or more licensees of the same class or of different classes shall not be permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. ()

05. Type 4 License Holder. The holder of a license for Type 4, Specialty Construction, shall be entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. ()

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201. FEES.

01. Fees. Fees for each class of public works contractor and construction manager license shall be as designated and defined in Sections 54-1904, and 54-4510, Idaho Code. (3-19-99)(____)

02. Payment Of Fees. Fees shall be payable to "~~Treasurer, State of Idaho~~ Division of Building Safety - Public Works Contractors". (7-1-93)(____)

03. Application Filed With Fees. Required ~~F~~fees shall accompany ~~the~~ all applications ~~for a license~~. An application filed without the ~~proper~~ required fees shall be deemed incomplete and returned to the applicant. (3-19-99)(____)

~~**04. Nonrefundable Fees.** Fees accompanying original applications and fees accompanying renewal applications are for the administration and enforcement of the Act and shall not be refunded to the applicant pursuant to Sections 54-1911 and 54-1912, Idaho Code, respectively.~~ (3-19-99)

054. Construction Manager Licensing Fees. (3-19-99)

- a. The fee for initial examination and licensing shall be two hundred dollars (\$200). (3-19-99)
- b. The fee for license renewal shall be two hundred dollars (\$200). (3-19-99)
- c. The fee for an inactive license shall be fifty dollars (\$50). (3-19-99)
- d. The fee for license reinstatement shall be two hundred dollars (\$200). (3-19-99)
- e. The fee for administering the examination shall be the standard fee established for taking that examination. (3-19-99)
- f. The fee for issuing and for reinstating a certificate of authority shall be one hundred dollars (\$100). (3-19-99)

(BREAK IN CONTINUITY OF SECTIONS)

~~203. RIGHTS GRANTED UNDER LICENSES.~~

~~**01. Rights.** Rights granted to licensees shall be as designated and defined in Section 54-1904, Idaho Code, and as provided in these rules.~~ (7-1-93)

~~**02. Estimated Cost.** The estimated cost and bid limit for each class of license shall be as defined in Section 54-1904, Idaho Code.~~ (7-1-93)

~~**03. Total Bid Cost.** The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class AAA, shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of the subcontractors. Subcontractors bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project.~~ (3-19-99)

~~**04. Two Or More Licensees.** Two (2) or more licensees of the same class or of different classes shall not be permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee.~~ (7-1-93)

~~204. TYPES OF CONSTRUCTION.~~

~~The types of construction for which licenses are issued shall be as defined and designated in Section 54-1901, Idaho~~

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Code, and as provided in these rules.

(7-1-93)

01. Public Works Construction. *A license of any class may be issued for one (1) or more types of public works construction.* *(7-1-93)*

02. Type 4. *A license for Type 4, Specialty Construction, shall list one (1) or more specialty categories to which the licensee is restricted. These categories include, but shall not be limited to, the following: Acoustical-Drywall, Air Conditioning & Warm-Air Heating, Blasting, Bridges & Structures, Building Cleaning & Maintenance, Chimney Repair, Clearing, Communications & Alarm Systems, Concrete, Craning & Erection, Crushing, Demolition, Drilling, Electrical (the application must include a State License Number), Elevators/Lifts/Hoists, Excavation & Grading, Fencing, Fire Sprinkler Systems (the application must include a State License Number), Flooring, Floor Coverings/Carpeting, Glass & Glazing, Hauling, Institutional Equipment, Insulation, Landscaping/Seeding/Mulching, Lath & Plaster, Masonry, Guard Rails & Safety Barriers, Millwork & Fixtures, Ornamental Metals, Painting & Decorating, Paving, Pesticide Spraying (the application must include a State License Number), Plumbing (the application must include a State License Number), Refrigeration, Roofing & Siding, Sand Blasting, Sheet Metal, Signing, Sprinklers/Irrigation Systems, Steel Fabrication/Erection/Installation, Tile/Terrazzo, Traffic Marking & Striping, Utilities, Waterproofing/Caulking, Well Drilling (the application must include a State License Number), Boiler, Hot Water Heating & Steam Fitting, Other.* *(3-19-99)*

03. Scope And Coverage. *The Board will determine the scope and coverage of each type and category based on what is commonly accepted and practiced by reasonable men engaged in the construction industry.* *(7-1-93)*

04. Type 4 License Holder. *The holder of a license for Type 4, Specialty Construction shall be entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee.* *(7-1-93)*

05. Copies Of State Licenses. *The applicant must submit a copy of any license for any specialty issued by other state agencies.* *(3-19-99)*

2053. -- 299. (RESERVED).

~~300. FILING.~~

Applicant may file an application form, financial statement and fee with the Board by mail or in person. *(7-1-93)*

~~301. SCREENING NOTICE.~~

The Executive Director and staff will receive and screen each application for completeness, clarity, etc. If an application is incomplete, notice of same will be mailed to the applicant by First Class Mail. The notice will specify the incomplete items to be completed. If necessary, the application form will be returned to the sender for completion. *(3-19-99)*

~~302. (RESERVED).~~

~~303. REVIEW BY BOARD.~~

At a regular meeting on the date scheduled, the application, other information, data, documents and references will be reviewed by the Board. If the application is approved, a License Certificate will be issued effective from the date of approval. *(7-1-93)*

~~304. DENIED APPLICATIONS.~~

If, after reviewing the application, other information, data, documents or references, the Board decides: *(7-1-93)*

01. Incomplete Information. *The information before the Board is incomplete, inadequate or in conflict, and further action is required before a decision can be rendered.* *(7-1-93)*

02. Denial Of Application. *The information before the Board is such that it would appear proper to deny the application, notice of same will be mailed to the applicant, by certified mail. The notice will state the basis for the action of the Board and may suggest means by which the matter might be remedied, and shall provide the*

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~~applicant an opportunity to answer, to show cause, and shall set a date, time and place for a hearing in the matter.~~
(7-1-93)

305. ~~ANSWER AND APPEARANCE.~~

~~The applicant shall have not less than five (5) nor more than thirty (30) days from the date the notice is served to file a written answer to show cause and to make a written and/or personal appearance before the Board at the scheduled hearing.~~
(7-1-93)

306. ~~HEARING - APPROVAL.~~

~~At a regular meeting on the date set for the hearing, the Board will review the written answer to show cause and any additional information, data, documents or references furnished by the applicant or other interested persons, and the testimony of the applicant or other persons, if a personal appearance is made, and reconsider the application. If the Board approves the application, a License Certificate will be issued effective from the date the application is approved without further hearing on the matter.~~
(7-1-93)

307. ~~HEARING - DENIED APPLICATIONS.~~

~~After reviewing the answer, any additional information, data, documents or references furnished by the applicant or other interested persons, and the testimony of the applicant or other persons, the Board may deny the application, and a decision to that effect will be served on the applicant by Certified Mail.~~
(3-19-99)

308. ~~FAILURE TO ANSWER OR APPEAR.~~

~~If the applicant fails to file a written answer to show cause, or fails to make an appearance either in writing or in person at the scheduled hearing, after due notice of same has been served, the Board may take note of such failure to answer or appear and enter a decision denying the application without further hearing on the matter. The written decision of the Board will be served on the applicant by Certified Mail.~~
(7-1-93)

309. ~~ACCEPTANCE OF DECISION.~~

~~In any notice, hearing or decision, the Board may, in its discretion, deem it proper to deny any application for any class and/or type(s) and approve the application for another class and/or type(s) and serve notice of same on the applicant. If the applicant accepts in writing such other class and/or type(s) the Executive Director shall issue a License Certificate effective on the date applicant's written acceptance is filed with the Board without further hearing or action in the matter by the Board.~~
(3-19-99)

310. ~~PETITION FOR REHEARING.~~

~~A petition for rehearing may be filed by the applicant whose application has been denied within twenty (20) days from the date the decision of the Board denying the application is served on the applicant.~~
(7-1-93)

311. ~~REVIEW OF PETITION.~~

~~A petition for rehearing will be reviewed at a regular meeting of the Board and treated in the manner specified in these rules for petitions.~~
(7-1-93)

312. ~~NOTICE OF REHEARING.~~

~~If a petition for rehearing is approved, the Board shall set a date, time and place for the rehearing, notify the applicant by Certified Mail, and proceed in the manner specified in these rules for hearings.~~
(7-1-93)

313. -- 399. ~~(RESERVED).~~

400. ~~APPLICATION FOR ORIGINAL LICENSE.~~

~~An application for an Original license, together with the fees, financial statement, references and License Examination therefor, shall be filed with the Board prior to consideration thereof by the Board (Section 54-1911).~~
(7-1-93)

401. ~~APPLICATION FOR ANNUAL RENEWAL.~~

~~An application for annual renewal of a current license together with the fees therefor shall be filed not later than the last day of the license period. Timely filing shall authorize operation as a contractor by the licensee until actual issuance of the renewal license for the ensuing year or until final decision of the Board is rendered in any proceeding. (Section 54-1912, Idaho Code).~~
(7-1-93)

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~~402. APPLICATION FOR RENEWAL OF A LAPSED OR EXPIRED LICENSE.~~

~~An application for renewal of a lapsed or expired license, together with the fees therefor, shall be filed with the Board (Section 54-1912). For purposes of these rules, all licenses issued under the Act shall lapse and expire on the last day of the license period, and shall be considered a delinquent renewal for a one (1) year period. (7-1-93)~~

~~403. — 499. (RESERVED).~~

~~500. LICENSE NON-TRANSFERABLE.~~

~~The license certificate shall be non-transferable either to another person or to a successor business organization such as a copartnership, corporation, joint venture, or other combination thereof. (Sec. 54-1912, Idaho Code) (7-1-93)~~

~~501300. CHANGED BUSINESS ORGANIZATION - CHANGES IN ORGANIZATION OR STRUCTURE - MEMBERS OF JOINT VENTURES - CHANGES FOR REASONS OTHER THAN DEATH.~~

~~A licensee licensed public works contractor or construction manager who undergoes a change in business organization or structure (such as a change from an individual proprietor to a copartnership, corporation, limited liability partnership, limited liability company, joint venture, or other combination thereof), or where there is a change in ownership, must file an application for a new license on behalf of such successor organization or new owners within sixty (60) days after such change occurs. The Board administrator may authorize the continuous operation of the licensee as a contractor during the interim period until the application of the successor organization is reviewed; provided written notice of such change is filed with the Board within thirty (30) days after such change occurs. A change in ownership requires that an original application be filed. All members of Each participant in a joint venture must be licensed at the time of bidding. (3-19-99)~~

~~502. SURVIVING PARTNER.~~

~~A surviving member or members of a licensed COPARTNERSHIP by reason of death shall be entitled to continue in business under such license until the expiration date thereof, provided the APPLICATION FOR PERMISSION is made to the Board within thirty (30) days after the death of a member, and the application (for permission) is approved by the Board. (7-1-93)~~

~~503. VOLUNTARY CHANGE IN COPARTNERSHIP.~~

~~Where there is a Voluntary Change of individual partners in the surviving members of a licensed copartnership, limited liability company, or limited liability partnership, due to a reason other than the death of one (1) of the partners, the remaining or succeeding partner member or partners members shall be required to file an application for an original license. (7-1-93)()~~

~~504301. -- 5399. (RESERVED).~~

~~600. COMPLIANCE.~~

~~Licensee shall comply with all the provisions of the Act and the rules and regulations promulgated thereunder. (7-1-93)~~

~~601. SUBCONTRACT LIMIT.~~

~~Licensee shall not subcontract in excess of eighty (80%) percent of the work under any contract to be performed by him as a public works contractor according to the contract prices therein set forth, unless otherwise provided in the specifications of such contract. (7-1-93)~~

~~602. SPECIALTY SUBCONTRACTORS.~~

~~Licensee shall not sublet any part of any contract for specialty construction to a specialty contractor who is not licensed in accordance with this Act. (7-1-93)~~

~~603400. DISPLAY CERTIFICATES - DISPLAY AND POSSESSION.~~

~~Licensee shall sign and display the license certificate issued to him in his main office or chief place of business; and (7-1-93)~~

~~604. POSSESSION OF CERTIFICATE.~~

~~Licensee shall furnish satisfactory evidence of the possession of a license certificate and the current renewal thereof upon the administrator's demand. (7-1-93)()~~

2004 - Business House Pending Rule (Yellow)

DIVISION OF BUILDING SAFETY Public Works Contractors License Board

Docket No. 07-0501-0301
Proposed Rulemaking

~~605~~**401. LICENSE NUMBER ON BIDS.**

Licensee shall place his license number on any and all bids submitted or contracts entered into, for any public works projects in the state of Idaho. (7-1-93)

~~606. FILE RENEWAL.~~

~~Licensee shall prepare and submit a timely application for license renewal. (7-1-93)~~

~~607. (RESERVED).~~

~~608~~**402. CHANGES IN LICENSE CERTIFICATE.**

When any change in the license certificate has been approved by the Board, a new license certificate shall be issued. (3-19-99)

~~609. USE OF LICENSE BY ANOTHER.~~

~~Licensee shall not aid or abet an unlicensed person to evade the provisions of the Act, or knowingly combine or conspire with an unlicensed person, or allow his license to be used by an unlicensed person, or act as agent or partner or associate or otherwise, of an unlicensed person with intent to evade the provisions of the Act. (7-1-93)~~

~~610. UNLICENSED CONTRACTORS.~~

~~Licensee shall not knowingly enter into a contract with a contractor while such contractor is not licensed. (7-1-93)~~

~~611~~**403. -- 6499. (RESERVED).**

7500. PROCEEDINGS FOR DISCIPLINARY ACTIONS.

The procedure for ~~the handling of complaints filed pursuant to Section 54-1914, Idaho Code; disciplinary actions and for the proceedings for the suspension or revocation of a license~~ contested cases shall be as provided in IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," the Administrative Procedure Act, as found in Chapter 67, Title 52, Idaho Code, ~~and Sections 54-1915 through 54-1919, Idaho Code, as amended and as supplemented by~~ these rules. (3-19-99)(____)

7501. FORMS.

The complaint, citation, answer, notice of hearing, decision and order of the ~~Board~~ administrator and other related documents shall be filed in the form and manner prescribed in these rules, in IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and the Administrative Procedure Act. (3-19-99)(____)

7502. TECHNICALITIES OF FORM.

The ~~Board~~ administrator may, ~~in its discretion~~, during any hearing or proceeding waive any technicalities of form not deemed necessary in the circumstances. (7-1-93)(____)

7503. HEARINGS.

The general procedure for hearings before the administrator and the Board shall be as prescribed in these rules and Title 67, Chapter 52, Idaho Code. (3-19-99)(____)

~~704. NOTICE, ANSWER, HEARING, DECISION AND ORDER.~~

~~The notice, answer, hearing, decision and order of the Board in proceedings concerning the impaired financial responsibility of a licensee pursuant to Section 54-1914A, Idaho Code, shall be in the form and manner as those provided in these rules. (7-1-93)~~

~~705. -- 799. (RESERVED).~~

~~800. HEARING PROCEDURE.~~

~~In order to expedite hearings and to assist persons appearing before the Public Works Contractors License Board, the Board has adopted the following general procedure: (3-19-99)~~

01. Hearings. Hearings before the Board are conducted in an informal and summary manner. (7-1-93)

02. Counsel. Interested persons appearing before the Board may be represented by counsel. (7-1-93)

2004 - Business House Pending Rule (Yellow)

DIVISION OF BUILDING SAFETY Public Works Contractors License Board

Docket No. 07-0501-0301
Proposed Rulemaking

~~03.~~ ~~**Notice.** Reasonable notice of any hearing will be furnished to any interested persons.~~ (7-1-93)

041. **Notes.** Any interested persons may request, in writing, five (5) days before any scheduled hearing in a contested case that the oral proceedings thereof be taken in the form of stenographic notes to be transcribed at his own expense. (7-1-93)

052. **Stipulations.** If the parties can agree upon any facts, issues or questions to be presented to the Board, appropriate stipulations may be made. (7-1-93)

063. **Continuance.** In the event a hearing cannot be completed within the time allotted, the Board may, in its discretion, continue same to a subsequent meeting as it deems necessary for proper consideration of the purpose for the hearing. (7-1-93)

074. **Procedure.** The Board reserves the right to amend, modify or repeal all or any part of the above procedure or to dispense with any part thereof, at any hearing before the Board, as it may deem necessary in the circumstances. (7-1-93)

~~801~~**504. -- 8599. (RESERVED).**

~~900.~~ ~~**THE BOARD.**~~

~~The Board may, in its discretion, upon the filing of a verified complaint, charging any person or firm with acting in the capacity of a Public Works Contractor without a license, or charging any public officer who has knowingly let a public contract to any person or firm who does not hold a license, as provided in Section 54-1920, Idaho Code, investigate and enter an oral and/or written protest with the interested parties. In any protest entered, the Board may:~~ (7-1-93)

~~01.~~ ~~**Withdrawal.** Seek the withdrawal of any bid made or offered by an unlicensed person;~~ (7-1-93)

~~02.~~ ~~**Rejection.** Seek the rejection of any bid made or offered by an unlicensed person;~~ (7-1-93)

~~03.~~ ~~**Refusal.** Seek the refusal of the payment of any estimate to an unlicensed person or firm;~~ (7-1-93)

~~04.~~ ~~**Compliance.** Seek immediate compliance with the Act by such unlicensed person or firm;~~ (7-1-93)

~~05.~~ ~~**Restrain.** Seek to restrain such unlicensed person or firm from acting as a Public Works Contractor without a license;~~ (7-1-93)

~~06.~~ ~~**Prevention.** Seek to prevent the award of a contract or to obtain the cancellation or revocation of any public contract that has been awarded to an unlicensed person or firm.~~ (7-1-93)

~~07.~~ ~~**Other.** Failing in this, the Board shall refer the complaint and any other related documents to the County Attorney in the County where the events are alleged to have occurred to be processed in the manner provided in Section 54-1920, Idaho Code.~~ (7-1-93)

600. CONSTRUCTION MANAGER EXAMINATIONS.

If the applicant fails an examination, the applicant may take the examination a second time. A grade of at least seventy-five percent (75%) shall be required to pass each section of the examination. If the applicant fails to score a passing grade, the applicant must pass all failed sections within one (1) year of the initial test date. If the applicant fails to achieve a passing grade in each individual section on the second examination, the applicant must wait one (1) full year before taking the examination again. The applicant must then take and pass all sections of the examination (receiving no credit for sections successfully completed during the previous year). (____)

~~9601. -- 999.~~ **(RESERVED).**

2004 - Business House Pending Rule (Yellow)

IDAPA 10 - IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1208, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume No. 03-8, pages 31 through 35.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact David L. Curtis at (208) 334-3860.

DATED this 29th day of September, 2003.

David L. Curtis, Executive Director
Board of Registration of Professional Engineers and Professional Land Surveyors
600 S. Orchard, Suite A
Boise, Idaho 83705-1242
Telephone (208) 334-3860
Fax (208) 334-2008

IDAPA 10, TITLE 01, CHAPTER 01

RULES OF PROCEDURE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, pages 31 through 35.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 10 - IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-1208, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 27, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rules amendments would clarify that technology programs and related science programs are not the same as engineering programs and would state what courses a technology or related science graduate would need to complete in order to be the equivalent of an engineering graduate. The proposed rule amendments would preclude a failing candidate from reviewing the examination but would allow them access to a diagnostic analysis of their performance if it is available to the Board. The proposed rule amendments would clarify that the Board will proctor an examination for a candidate from another jurisdiction if that candidate would qualify for assignment to the exam in Idaho. The proposed rule amendments would recognize the equivalency of education for a graduate of a program recognized in the Washington Accord, or by ABET as being substantially equivalent. The proposed rule amendments would clarify that comity applicants who have not completed an approved engineering program must complete specific courses in order to be considered equivalent of an engineering graduate.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are primarily housekeeping in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact David L. Curtis at (208) 334-3860.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2003.

DATED this 18th day of June, 2003.

David L. Curtis, P.E.
Executive Director
Board of Registration of Professional Engineers and Professional Land Surveyors
600 S. Orchard, Suite A
Boise, Idaho 83705-1242
Telephone (208) 334-3860
Fax (208) 334-2008

2004 - Business House Pending Rule (Yellow)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 10-0101-0301

017. EXAMINATIONS.

01. Semiannually Or Annually; Special Or Oral Examination. Examinations for professional engineer, professional land surveyor, engineer-in-training and land surveyor-in-training will be held annually or semi-annually, the exact time and place to be determined by the Board. Special oral or written examinations during the year may be given by the Board. (7-1-93)

02. Eligibility For Examinations; Educational Requirements. The application for registration for professional engineer, professional land surveyor or certification of engineer-in-training or land surveyor-in-training, together with the written examination, shall be considered in the determination of the applicant's eligibility. Each applicant must meet the minimum requirements as set forth in Section 54-1212, Idaho Code, before admittance to any examination. (7-1-93)

a. In regard to educational requirements, the Board will consider as unconditionally approved only those engineering ~~curricula programs~~ which are accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET). Non-EAC/ABET accredited engineering ~~curricula programs and engineering technology programs~~ will be considered by the Board on their specific merits, ~~but are not considered equal to engineering programs accredited by EAC/ABET.~~ The Board may continue consideration of an application for valid reasons for a period of one (1) year, without forfeiture of the application fee. ~~An approved four-year Bachelor of Technology (B.T.) engineering curriculum is not considered equal to an approved Bachelor of Science engineering curriculum. The Board will require additional experience for applicants with B.T. degrees.~~ (7-1-93)(____)

b. An applicant who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a ~~major~~ related science degree program other than engineering must have completed a minimum of fifteen (15) semester credits of Engineering Science at a Sophomore and Junior level, six (6) semester credits of Engineering Design related courses at a Senior level, twelve (12) semester credits of Advanced Mathematics including Calculus and Differential Equations, and twelve (12) semester credits of basic science courses including Chemistry, calculus-based Physics and other appropriate basic science courses before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(3)(b), Idaho Code, for assignment to the examination for certification as an Engineer-in-Training or as required by Section 54-1212(1)(b), Idaho Code, for assignment to the examination for licensure as a professional engineer. (5-3-03)(____)

i. Standard, regularly scheduled courses from accredited university programs, (on campus, correspondence, video, etc.) are normally acceptable without further justification other than transcript listing. The Board may require detailed course descriptions for seminar, directed study, special problem and similar courses to insure that the above requirements are met. (7-1-93)

ii. Graduate level engineering courses, i.e. courses which are available only to graduate students, are normally not acceptable since the Board believes graduate engineering courses may not provide the proper fundamental foundation to meet the broad requirements of professional engineering. (7-1-93)

c. In addition to the minimum requirements set forth in Section 54-1212, Idaho Code, a person who desires to be qualified by examination in the field of structural engineering shall meet the following requirements: (4-22-94)

- i. Be a registered professional engineer in Idaho. (7-1-93)
- ii. Have two (2) years of work experience in the field of structural engineering after being registered as a professional engineer. The Principles and Practice of Engineering examination for Structural Engineering will

2004 - Business House Pending Rule (Yellow)

cover the practice of structural engineering to test the applicant's fitness to assume responsibility for engineering work affecting the public health, safety and welfare. The examination shall be sixteen (16) hours. (7-1-93)

d. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside the United States. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant. Such evaluation shall not be required if the applicant has received a master's degree from an U.S. institution which has a bachelor degree program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology in the discipline of the applicant's master's degree, and, in addition, has completed the coursework requirements of Subsection 017.02.b. The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within one (1) year, the Board may terminate the application, in which case the application fee shall be forfeited. (4-5-00)

03. Notification To Applicant By Board. Notification of assignment or non-assignment to the examination will be furnished to the applicant at least thirty (30) days prior to the date of the examination. (4-5-00)

04. Notification To Board By Applicant. The applicant shall, at least fifteen (15) days before an examination, notify the Executive Director of the Board whether or not he will appear for the examination. Examinations will be given only to those who have so notified the Board. (4-5-00)

05. Excused Non-Attendance At Exam. In the event that an applicant cannot attend an examination, he shall immediately notify the Board to that effect and shall state the reason for non-attendance. Normally, no more than one (1) valid excuse and reassignment shall be granted to an applicant. If an applicant fails to appear for two (2) administrations of an examination their application may be terminated and they may be required to submit a new application and pay a new application fee in order to be reconsidered. (3-30-01)

06. Two Examinations For Engineering Registration. The complete examining procedure for registration as a professional engineer consists of two (2) separate written examinations. The first is the Fundamentals of Engineering examination for engineer-in-training certification, and the second is the Principles and Practice of Engineering for professional engineer registration. Each examination shall be eight (8) hours in length. Normally, applicants are eligible to take the Fundamentals of Engineering examination during the last or second-to-last semester of or after graduation from an accredited bachelor of science engineering curriculum. A certificate as an Engineer-in-Training will be issued only to those student applicants who earn a passing grade on the examination and who receive a degree. Having passed the Fundamentals of Engineering examination, applicants will be required to take the Principles and Practice of Engineering examination at a later date when qualified by experience. (4-22-94)

07. Fundamentals Of Engineering. The Fundamentals of Engineering examination will cover such subjects as are ordinarily given in engineering college curricula and which are common to all fields of practice. The examination may also cover subject matters that are specific to the engineering discipline of the applicants education. (4-5-00)

08. Principles And Practice of Engineering - Disciplines. The Principles and Practice of Engineering examination will cover the practice of engineering to test the applicant's fitness to assume responsibility for engineering works affecting the public health, safety and welfare. Separate examinations will be given to test the applicant's fitness in any discipline for which there is an examination which, in the opinion of the Board, meets the requirements of duration and difficulty necessary to adequately test the applicant's fitness to practice in that particular discipline. The Board may use examinations prepared by the National Council of Examiners for Engineering and Surveying (NCEES) or it may prepare or commission the preparation of examinations in disciplines other than those for which examinations may be available from NCEES. (4-22-94)

09. Two Examinations For Land Surveying Registration. The complete examining procedure for registration as a professional land surveyor consists of two (2) separate written examinations. The first is the Fundamentals of Land Surveying examination for land surveyors-in-training certification, and the second is the Principles and Practice of Land Surveying registration. Each examination will be a total of eight (8) hours in length. Having passed the Fundamentals of Land Surveying examination, applicants will be required to take the Principles and Practice of Land Surveying examination at a later date when qualified by experience. The examination shall cover the theory and principles of surveying, the practice of land surveying and the requirements of legal enactments.

2004 - Business House Pending Rule (Yellow)

BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS Rules of Procedure

Docket No. 10-0101-0301
Proposed Rulemaking

The Principles and Practice of Land Surveying examination may consist of separate modules, each of which must be passed. (4-5-00)

10. Oral Or Unassembled Examinations. An oral examination or unassembled written examination, in addition to the prescribed written examination, may be required for professional engineer and professional land surveyor applicants. (7-1-93)

11. Special Examinations. A special examination, written or oral or both, may be required in certain instances where the applicant is seeking registration through comity with another state or political entity having required written examinations that are not wholly comparable in length, nature or scope. This examination supplements the certified qualifying record of the applicant and establishes a more common basis for judging the application and awarding a certificate of qualification or registration in this state. The length of these special examinations shall be determined by the Board, but shall in no case exceed the lengths specified for the regular examination. Special examinations may be given at any date and need not conform with regular examination dates. (7-1-93)

12. Grading. Each land surveyor-in-training, engineer-in-training and professional engineer applicant must normally attain a scaled score of seventy (70) or above on the entire eight (8) hour examination before being awarded certification or registration. Examinees on the Principles and Practice of Land Surveying examination must normally attain a scaled score of seventy (70) or above on each section of the examination. (4-5-00)

13. Use Of NCEES Examinations. Examinations prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES) for professional engineer, engineers-in-training, professional land surveyors, and land surveyors-in-training may be used by the Board. The examination for the field of structural engineering shall be the sixteen (16) hour examination as determined by the Board. (7-1-93)

14. Review Of Examination By Examinee. (3-15-02)

~~a. Due to security concerns about the examinations, Examinees who fail an examination which includes any "free-response" or "essay" type problems shall not be allowed to review only the "free-response" or "essay" type problems on their examination. Examinees who fail an examination will only be allowed to review those questions attempted during the examinee's last taking of the examination. Examinees shall be allowed a review time equal to one-half (1/2) the time originally allowed to take the "free-response or "essay" portion of the examination. The review shall be monitored by a Board member or Board representative. Paper will be provided by the Board and may not be taken away from the review site. A hand-held calculator not having word processing capabilities and not having a "QWERTY" keyboard may be used by the applicant during the review. Examinees in the Principles and Practice of Engineering examination may submit a rescoring request on the "free-response" or "essay" type problems attempted. Examinees who submit a rescoring request may use their own reference materials to complete the rescoring request.~~ (3-15-02)

~~b. Examinees who fail an examination which consists partly of "free-response" or "essay" and partly of other type problems shall be provided a diagnostic analysis of their performance on the non "free-response" or non "essay" problems, but they will not be allowed to review the non "free-response" or non "essay" type problems attempted in the examination if such an analysis is available to the Board.~~ (3-15-02)()

~~c. Examinees who fail an examination which does not contain "free-response" or "essay" type problems shall be provided a diagnostic analysis of their performance, but they will not be allowed to review the actual problems attempted in the examination.~~ (3-15-02)

15. Disposal Of Used Examination Pamphlets And Answer Sheets. The Executive Director of the Board is authorized by the Board to dispose of used examination solution pamphlets and answer sheets after the first anniversary date after the examination was given. (3-30-01)

16. Proctoring Of Examinations. The Board will proctor an examination for another jurisdiction if the candidate would qualify under Title 54, Chapter 12, Idaho Code and these rules for assignment to the examination being proctored. ()

2004 - Business House Pending Rule (Yellow)

(BREAK IN CONTINUITY OF SECTIONS)

019. REGISTRANTS OR CERTIFICATE HOLDERS OF OTHER STATES AND BOARDS.

01. Interstate Registration Evaluation. Each application for Idaho professional engineer license or professional land surveyor license submitted by an applicant who is licensed as a professional engineer, or licensed as a professional land surveyor, respectively, in one (1) or more states, territories or foreign countries, shall be considered by the Board on its merits, and the application evaluated for substantial compliance with respect to the requirements of the Idaho law. Graduates of programs accredited by organizations signatory to the "Washington Accord" and graduates from programs evaluated by ABET as being substantially equivalent to EAC/ABET programs shall be considered to have satisfied the educational requirement for issuance of a license as a professional engineer. Individuals who have passed examinations considered by the Board to be of comparable difficulty and duration as those utilized by the Board shall be considered to have satisfied the examination requirement for issuance of a license as a professional engineer or professional land surveyor. (4-5-00)()

a. The Board may require an independent evaluation of the engineering education of an applicant who was educated outside the United States. Such evaluation shall be done through an organization approved by the Board and shall be done at the expense of the applicant. Such evaluation shall not be required if the applicant has been licensed in another jurisdiction of the United States for an minimum of ten (10) years and has not had any disciplinary action against them and there is not pending, and possesses the education, experience and examination credentials that were specified in the applicable registration chapter in effect in this state at the time such certification was issued. The Board may table action on the application pending receipt of the evaluation, and, in the event the applicant does not provide the evaluation within one (1) year, the Board may terminate the application, in which case the application fee shall be forfeited. (4-5-00)

b. An applicant who has completed a four (4) year bachelor degree program in engineering not accredited by EAC/ABET or a four (4) year bachelor degree program in engineering technology, or in a ~~major~~ related science degree program other than engineering must have completed a minimum of fifteen (15) semester credits of Engineering Science at a Sophomore and Junior level, six (6) semester credits of Engineering Design related courses at a Senior level, twelve (12) semester credits of Advanced Mathematics including Calculus and Differential Equations, and twelve (12) semester credits of basic science courses including Chemistry, calculus-based Physics and other appropriate basic science courses before the Board will consider them to possess knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum as required by Section 54-1212(1)(b), Idaho Code. (3-15-02)()

02. Denials Or Special Examinations. An application from a registrant of another state, territory or foreign country may be denied by the Board for any just cause and the application fee retained; or the Board may approve the applicant for a special written and/or oral examination. If the applicant is assigned to examination no additional fee shall be required. (7-1-93)

03. Business Entity Requirements. No application for a certificate of authorization to practice or offer to practice professional engineering or professional land surveying, or both, in Idaho by a business entity authorized to practice professional engineering or professional land surveying or both in one (1) or more states, territories or foreign countries shall be considered by the Board unless such application includes the name and address of the individual or individuals, duly registered to practice professional engineering or professional land surveying or both in this state, who will be in responsible charge of the engineering or land surveying services, or both, as applicable, to be rendered by the business entity in Idaho. The said individual or individuals must certify or indicate to the Board their willingness to assume responsible charge. (3-15-02)

2004 - Business House Pending Rule (Yellow)

IDAPA 10 - IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1208, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted in order to require registrants to communicate with their clients and be candid with them. The pending rule differs from the proposed rule in that it is less prescriptive as to the considerations which might require candor on the part of the registrant.

The pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume No. 03-8, pages 36 and 37.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact David L. Curtis at (208) 334-3860.

DATED this 29th day of September, 2003.

David L. Curtis, Executive Director
Board of Registration of Professional Engineers and Professional Land Surveyors
600 S. Orchard, Suite A
Boise, Idaho 83705-1242
Telephone (208) 334-3860
Fax (208) 334-2008

IDAPA 10, TITLE 01, CHAPTER 02

RULES OF PROFESSIONAL RESPONSIBILITY

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

2004 - Business House Pending Rule (Yellow)

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, pages 36 and 37.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 10-0102-0301

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

Subsection 005.06

005. RESPONSIBILITY TO THE PUBLIC.

06. Obligation To Communicate And Be Candid. ()

a. A Registrant shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. ()

b. A Registrant shall *explain a matter to the extent* reasonably necessary to permit the client to make informed decisions regarding matters over which the client has control and responsibility. ()

c. A Registrant shall exercise independent professional judgment and render candid advice that may be relevant to the matters. ()

2004 - Business House Pending Rule (Yellow)

IDAPA 10 - IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-1208, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 27, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule amendment would require that license holders (1) keep clients reasonably informed about the status of matters pertinent to the client's interest and promptly comply with reasonable requests for information; (2) provide information reasonably necessary to permit the client to make informed decisions regarding matters over which the client has control and responsibility; and (3) exercise independent professional judgment and render candid advice which may include considerations such as moral, economic, social, and political factors that may be relevant to the matters.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This action does not impose or increase any fee.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes are primarily housekeeping in nature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact David L. Curtis at (208) 334-3860.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2003.

DATED this 18th day of June, 2003.

David L. Curtis, P.E., Executive Director
Board of Registration of Professional Engineers and Professional Land Surveyors
600 S. Orchard, Suite A
Boise, Idaho 83705-1242
Telephone (208) 334-3860
Fax (208) 334-2008

THE FOLLOWING IS THE TEXT OF DOCKET NO. 10-0102-0301

2004 - Business House Pending Rule (Yellow)

005. RESPONSIBILITY TO THE PUBLIC.

01. Primary Obligation. All Registrants and Certificate Holders shall at all times recognize their primary obligation is to protect the safety, health and welfare of the public in the performance of their professional duties. (7-1-93)

02. Standard Of Care. Each Registrant and Certificate Holder shall perform in accordance with the standard of care for the profession and is under duty to the party for whom the service is to be performed to exercise such care, skill and diligence as others in that profession ordinarily exercise under like circumstances. (7-1-93)

03. Professional Judgement. If any Registrant's or Certificate Holder's professional judgement is overruled under circumstances where the safety, health and welfare of the public are endangered, the Registrant or Certificate Holder shall inform the employer or client of the possible consequences and, where appropriate, notify the Board or such other authority of the situation. (7-1-93)

04. Obligation To Communicate Discovery Of Discrepancy. If a Registrant or Certificate Holder, during the course of his work, discovers a material discrepancy, error, or omission in the work of another Registrant or Certificate Holder, which may impact the health, property and welfare of the public, the discoverer shall make a reasonable effort to inform, in writing, the Registrant or Certificate Holder whose work is believed to contain the discrepancy, error or omission. Such communication shall reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The Registrant or Certificate Holder whose work is believed to contain the discrepancy shall respond in writing within sixty (60) calendar days to any question about his work raised by another Registrant or Certificate Holder. Failure to respond on the part of the Registrant or Certificate Holder whose work is believed to contain the discrepancy shall be considered a violation of these rules and may subject the Registrant or Certificate Holder to disciplinary action by the Board. The discoverer shall notify the Board in the event a response satisfactory to the discoverer is not obtained within sixty (60) days. (3-30-01)

05. Obligation To Comply With Rules Of Continuing Professional Development. All Registrants licensed to practice professional land surveying shall comply with the requirements contained in IDAPA 10.01.04, "Rules of Continuing Professional Development". (7-1-99)

06. Obligation To Communicate And Be Candid. ()

a. A Registrant shall keep a client reasonably informed about the status of all matters pertinent to the client's interest and promptly comply with reasonable requests for information. ()

b. A Registrant shall provide information reasonably necessary to permit the client to make informed decisions regarding matters over which the client has control and responsibility. ()

c. A Registrant shall exercise independent professional judgment and render candid advice which may include considerations such as moral, economic, social, and political factors that may be relevant to the matters. ()

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.15 - FINGERPRINTING OF AGENTS, SOLICITORS AND BROKERS

DOCKET NO. 18-0115-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule has been adopted to allow, but not require, the Director to perform a fingerprint background check on applicants for a producer license. It provides the Director flexibility to meet requirements for reciprocity with other states for nonresident producer licensing and eliminates language that required fingerprint background checks on all producer license applicants.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 03-8, August 6, 2003, pages 109 and 110.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact Jim Genetti at (208) 334-4250.

Dated this 30th day of September, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250
Facsimile No. (208) 334-4298

IDAPA 18, TITLE 01, CHAPTER 15

FINGERPRINTING OF AGENTS, SOLICITORS AND BROKERS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, pages 109 and 110.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.15 - FINGERPRINTING OF AGENTS, SOLICITORS AND BROKERS

DOCKET NO. 18-0115-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 41-211, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Sections 41-1007 and 41-1009, Idaho Code, allow, but do not require the Director to perform a fingerprint background check on applicants for a producer license. In order to provide the Director flexibility to meet requirements for reciprocity with other states for nonresident producer licensing, the temporary and proposed rule will amend IDAPA 18.01.15.016 to eliminate language that required fingerprint background checks on all producer license applicants. This will allow the Director to discontinue performing fingerprint background checks on nonresident producers who have met the licensing requirements of their home state, and remove a possible obstacle to reciprocity for Idaho resident producers who seek to become licensed as nonresident producers in other states. The temporary and proposed rule also eliminates the requirement that the fingerprints be taken by a law enforcement agency and obsolete references to agents, brokers and solicitors.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The rule confers a benefit by easing application requirements on nonresident producers and enhancing the likelihood of reciprocal treatment by other states for Idaho resident producers.

FEE SUMMARY: The rule does not impose a fee.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 03.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jim Genetti at (208) 334-4250.

Anyone may submit written comments regarding these rules. All written comments and data concerning the rule must be directed to the undersigned and must be received on or before August 27, 2003.

Dated this 17th day of June, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720, Boise, ID 83720-0043
Telephone No. (208) 334-4250
Facsimile No. (208) 334-4298

2004 - Business House Pending Rule (Yellow)

DEPARTMENT OF INSURANCE
Fingerprinting of Producer License Applicants

Docket No. 18-0115-0301
Temporary and Proposed Rule

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0115-0301

IDAPA 18, TITLE 01, CHAPTER 15

18.01.15 - FINGERPRINTING OF ~~AGENTS, SOLICITORS AND BROKERS~~ PRODUCER LICENSE APPLICANTS

016. FINGERPRINTING REQUIREMENTS.

"All ~~agents, brokers and solicitors shall be finger-printed by a duly authorized law enforcement officer and~~ producer license applicants who are required by the director to submit fingerprints shall file a set of their fingerprints with the Department of Insurance in a form acceptable to the Federal Bureau of Investigation for the purpose of determining whether the qualifications as set forth in the Idaho Code are fulfilled. The fee, if any, charged ~~by the law enforcement agency~~ for ~~this~~ the fingerprinting service must be paid by the applicant. These fingerprints shall be forwarded to the Federal Bureau of Investigation, Identification Division, for processing. ~~This rule shall apply to all agents, brokers and solicitors and this requirement shall be completed before issuance or renewal of any license or company appointment.~~ (7-1-93)(7-1-03)T

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.19 - INSURANCE RATES AND CREDIT RATING

DOCKET NO. 18-0119-0201

NOTICE OF RULEMAKING - PENDING RULE

EDITOR'S CORRECTION: This docket was published with an incorrect docket number (Doc # 18-0119-0301) as a proposed rule in the Idaho Administrative Bulletin, Vol. No. 03-9, September 3, 2003. The docket number should have been 18-0119-0201. The docket originally published in the Administrative Bulletin as a Negotiated Rulemaking in the June 5, 2002, Vol. 02-6 and also as a Temporary Rule in the January 1, 2003, Vol. 03-1.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-1843, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule will implement Section 41-1843, Idaho Code, relating to the use of credit rating or credit history by insurers in determining rating and coverage of insurance, which became effective January 1, 2003.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 03-9, September 3, 2003, page 189 through 192.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Shad Priest at (208) 334-4250.

Dated this 30th day of September, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720, Boise, ID 83720-0043
Telephone No. (208) 334-4250

IDAPA 18, TITLE 01, CHAPTER 19

INSURANCE RATES AND CREDIT RATING

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 3, 2003, pages 189 through 192.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 18 – DEPARTMENT OF INSURANCE

18.01.19 - INSURANCE RATES AND CREDIT RATING

DOCKET NO. 18-0119-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-1843, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be scheduled if requested in writing by at least twenty-five (25) persons, a political subdivision or an agency, not later than September 17, 2003.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency at the address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule will implement Section 41-1843, Idaho Code, relating to the use of credit rating or credit history by insurers in determining rating and coverage of insurance, which became effective January 1, 2003. The proposed rule limits how insurers may use an insured's credit history as a basis for nonrenewing, canceling, or declining to issue certain types of policies, or charging a higher premium rate than would otherwise be charged. It is identical to the temporary rule IDAPA 18.01.19 that has been in effect since January 1, 2003.

In January 2003, the Department of Insurance adopted this rule as a temporary rule with an effective date of January 1, 2003. The temporary rule was published in the Idaho Administrative Bulletin, Volume 03-1, January 1, 2003, pages 156 through 158. With this publication the Department is initiating proposed rulemaking.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the June 5, 2002 Idaho Administrative Bulletin, Volume 02-6, page 41.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Shad Priest at (208) 334-4250.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

Dated this 23rd day of July, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.

2004 - Business House Pending Rule (Yellow)

DEPARTMENT OF INSURANCE
Insurance Rates and Credit Scoring

Docket No. 18-0119-0201
Proposed Rulemaking

This docket has been previously published as a Temporary Rule.
The temporary effective date is January 1, 2003.

The original text of the Temporary Rule was published in the Idaho
Administrative Bulletin, Volume 03-1, January 1, 2003,
pages 156 through 158.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0119-0201

IDAPA 18 **TITLE 01** **CHAPTER 19**

18.01.19 - INSURANCE RATES AND CREDIT RATING

000. LEGAL AUTHORITY.

This rule is promulgated pursuant to the authority granted by Title 41, Sections 41-211 and 41-1843, Idaho Code.

()

001. TITLE AND SCOPE.

01. Title. This chapter shall be cited in full as IDAPA 18.01.19, "Insurance Rates and Credit Rating".

()

02. Scope. This rule implements Section 41-1843, Idaho Code, enacted as Senate Bill No. 1408 by the legislature in 2002 relating to the use of credit rating or credit history by insurers in determining rating and coverage of insurance.

()

002. WRITTEN INTERPRETATIONS.

The Department of Insurance may have written statements that pertain to the interpretation of the rules in this chapter. Any written statements shall be available for review at the Department of Insurance, 700 W. State Street, Boise, ID 83720.

()

003. ADMINISTRATIVE APPEALS.

All hearings before the Director of the Department of Insurance shall be governed by Chapter 2, Title 41, and Chapter 52, Title 67, Idaho Code. Any appeal from a decision of the Director can be taken to District Court pursuant to Chapter 52, Title 67, Idaho Code and the Idaho Rules of Civil Procedure.

()

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules.

()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS.

This office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The department's mailing address is: Idaho Department of Insurance, PO Box 83720, Boise, Idaho 83720-0043. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043.

()

006. PUBLIC RECORDS.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter

2004 - Business House Pending Rule (Yellow)

3, and Title 41, Idaho Code. ()

007. – 009. (RESERVED).

010. DEFINITIONS.

As used in this rule, unless the context requires otherwise, the following words shall have the following meanings: ()

01. Consumer Report. Any written, oral, or other communication of any information by a consumer reporting agency regulated under the federal Fair Credit Reporting Act (15 U.S.C. 1681) that bears on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. ()

02. Credit Factor. A factor or criterion that consists of or is derived from information obtained from a consumer report that is used by an insurer in determining policy premium rates, or in determining whether to issue, cancel or nonrenew a policy. ()

03. Department. The Idaho Department of Insurance. ()

04. Noncredit Factor. Any factor other than a credit factor that is reasonably expected to affect the risk assumed by an insurer and is used by the insurer in determining policy premium rates, or in determining whether to issue, cancel or nonrenew a policy. ()

05. Policy. A contract for property or casualty insurance, as defined by Chapter 5, Title 41, Idaho Code, that is purchased or maintained primarily for personal, family or household purposes. ()

06. Weight. The consideration given by an insurer to a particular credit or noncredit factor relative to other factors considered in the underwriting or rating process. ()

011. -- 099. (RESERVED).

100. USE OF CREDIT FACTORS.

01. Prohibited Acts. An insurer shall not charge a higher premium than would otherwise be charged, or cancel, nonrenew or decline to issue a policy, based in any part upon credit factors unless: ()

a. The decision is also based on a noncredit factor or factors; and ()

b. The aggregate weight given to the noncredit factors considered in making the decision is at least as great as the aggregate weight given to the credit factors considered in making the decision. ()

02. Application Of Rule. To determine whether a decision to issue, nonrenew or cancel a policy, or to charge a higher rate than would otherwise be charged, is based primarily upon a credit factor or factors, the Department will apply the following criteria: ()

a. If an insurer declines to issue, nonrenews or cancels a policy based in any part upon a credit factor, the insurer must be able to show that it also relied upon a noncredit factor or combination of noncredit factors in making the decision and that the noncredit factor(s) played at least as great a role in the decision as did the credit factor. ()

b. If an insurer relies in any part upon a credit factor in establishing an initial rate for new business, the insurer must be able to show that it also considered noncredit factors in establishing the initial rate and that not more than one-half (½) of the premium rate is attributable to the credit factor. ()

c. If an insurer relies in any part upon a credit factor to impose an increase in premium rate for a customer, the insurer must be able to show that the increase was also based upon a change in at least one noncredit factor and that not more than one-half (½) of the increase is attributable to the credit factor. ()

2004 - Business House Pending Rule (Yellow)

03. Information Used In Reviewing Insurer's Decision. To evaluate whether an underwriting or rating decision was based primarily upon credit factors, the department may require the insurer to explain in detail the insurer's underwriting or rating process, identify all factors considered in the process, and describe how the process was applied in the case under review. The department may also require the insurer to apply its underwriting or rating process to hypothetical cases submitted to the insurer by the Department. ()

101. -- 199. (RESERVED).

200. OTHER LAWS OR RULES.

Nothing in this rule shall be construed to limit or modify any other laws or rules imposing restrictions regarding rating, issuing, canceling or nonrenewing a policy. ()

201. -- 299. (RESERVED).

300. TRADE SECRETS.

Any information submitted by an insurer pursuant to this rule that the insurer considers to be a trade secret as defined by Section 9-340D, Idaho Code, and not subject to public disclosure, shall be clearly identified as such at the time it is submitted to the department. ()

301. -- 399. (RESERVED).

400. RETENTION OF RECORDS.

Insurers subject to this rule shall document the factors and criteria considered in underwriting and rating decisions and shall retain the documentation for at least five (5) years from the date of the decision. ()

401. -- 499. (RESERVED).

500. VIOLATIONS.

A failure to comply with this rule is a violation of Section 41-1843, Idaho Code. ()

501. -- 999. (RESERVED).

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.38 - INSURANCE AVAILABILITY FOR RIDESHARING ARRANGEMENTS

DOCKET NO. 18-0138-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This chapter is being repealed in its entirety because it is no longer needed. The chapter references and implements sections of the Idaho Code relating to ridesharing that are no longer in existence.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 03-10, October 1, 2003, page 330.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Shad Priest at (208) 334-4250.

Dated this 22nd day of October, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720, Boise, ID 83720-0043
Telephone No. (208) 334-4250

IDAPA 18, TITLE 01, CHAPTER 38

INSURANCE AVAILABILITY FOR RIDESHARING ARRANGEMENTS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, page 330.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.38 - INSURANCE AVAILABILITY FOR RIDESHARING ARRANGEMENTS

DOCKET NO. 18-0138-0301 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 41-211, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be scheduled if requested in writing by at least twenty-five (25) persons, a political subdivision or an agency, not later than October 15, 2003.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency at the address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This chapter is being repealed in its entirety because it is no longer needed. The chapter references and implements sections of the Idaho Code relating to ridesharing that are no longer in existence.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The rule does not impose or increase a fee.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not undertaken because the Idaho code sections upon which the rule was based are no longer in existence.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Shad Priest at (208) 334-4250.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

Dated this 12th day of August, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

IDAPA 18.01.38 IS BEING REPEALED IN ITS ENTIRETY.

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.53 - RULES GOVERNING CONTINUING EDUCATION

DOCKET NO. 18-0153-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted to meet national uniformity standards set forth by the NAIC by changing the continuing education requirement for resident licensed insurance producers.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 03-9, September 3, 2003, page 193 through 195.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule contact Jim Genetti at (208) 334-4250.

Dated this 30th day of September, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street – 3rd floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone No. (208) 334-4250
Fax: (208) 334-4398

IDAPA 18, TITLE 01, CHAPTER 53

RULES GOVERNING CONTINUING EDUCATION

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 3, 2003, pages 193 through 195.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.53 - RULES GOVERNING CONTINUING EDUCATION

DOCKET NO. 18-0153-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rule changes are effective January 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 41-211, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule is being amended to meet national uniformity standards set forth by the NAIC by changing the continuing education requirement for resident licensed insurance producers to a standard fixed amount of twenty-four hours of continuing education per two-year licensing period and to require a minimum of three hours in the subjects of insurance law and/or ethics for each two year licensing period. In addition, obsolete references to brokers and agents are changed to "producers."

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule confers a benefit to the public.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the change adopts standards prescribed by the National Association of Insurance Commissioners and reduces the number of continuing education hours required for licensed insurance producers.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule contact Jim Genetti at (208) 334-4250.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

Dated this 24th day of July, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street – 3rd floor
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone No. (208) 334-4250
Fax: (208) 334-4398

2004 - Business House Pending Rule (Yellow)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0153-0301

001. TITLE AND SCOPE.

The purpose of this rule is to help protect the public by maintaining high standards of professional competence in the insurance industry; and to maintain and improve the insurance skills and knowledge of ~~agents, brokers, and consultants~~ producers licensed by the Department of Insurance by prescribing a minimum education in approved subjects that a licensee must periodically complete, procedures and standards for the approval of such education, and a procedure for establishing that continuing education requirements have been met. ~~(7-1-98)(1-1-04)T~~

(BREAK IN CONTINUITY OF SECTIONS)

012. BASIC REQUIREMENTS.

01. Proof Of Completion. As a condition for the continuation of a license, a licensee must furnish the Director of the Department of Insurance ("Director"), on or before the licensing renewal date, proof of satisfactory completion of approved subjects or courses meeting the following requirements: (4-5-00)

a. ~~Forty~~ Twenty-four (24) hours of continuing education credit during each ~~of the first three (3)~~ licensing periods, which licensing period is for two (2) years. ~~(4-5-00)(1-1-04)T~~

b. ~~After the third license renewal period at least twelve (12) hours of continuing education credits must be earned for each line of licensure during each successive renewal period, with a maximum of forty (40) hours for all lines held. At least three (3) hours of continuing education credit in insurance law and/or ethics must be earned each licensing period.~~ ~~(4-5-00)(1-1-04)T~~

02. Relicensing Procedures After Voluntary Termination Of License. An insurance agent who voluntarily terminates his/her license can apply to be relicensed without testing if the application is received by the Department within twelve (12) months after the termination and if the continuing education requirements were completed during the licensing period prior to voluntary termination. Non-resident insurance agents who were former resident agents and who wish to obtain a resident license once again, will be subject to the continuing education requirements on a pro-rata basis. (4-5-00)

~~**03. Carry Over Of Credits.** A licensee may carry over credit hours that have been earned in excess of the hours needed to fulfill the continuing education requirement. However, a licensee may only use carry over credits to fulfill one-half (1/2) of the continuing education requirement. The licensee should submit only the required number of hours and indicate dates of completion. It is the responsibility of the licensee to keep track of earned credit hours and documentation to verify proof of completion.~~ ~~(4-5-00)~~

~~**043. Completion Within Two Years.** Each course to be applied toward satisfaction of the continuing education requirement must have been completed within the two (2) year period immediately preceding renewal of the license, except carryover credits as defined in Subsection 012.03. Courses may not have been duplicated in the same renewal period. The date of completion for a self-study course is the date of successful completion of exam.~~ ~~(5-3-03)(1-1-04)T~~

(BREAK IN CONTINUITY OF SECTIONS)

016. PROGRAMS WHICH QUALIFY.

2004 - Business House Pending Rule (Yellow)

DEPARTMENT OF INSURANCE
Rules Governing Continuing Education**Docket No. 18-0153-0301**
Temporary and Proposed Rulemaking

01. Requirements Of Acceptable Program. A specific program will qualify as an acceptable continuing education program if it is a formal program of learning which contributes directly to the professional competence of a licensee. It will be left to each individual licensee to determine the course of study to be pursued. All programs must meet the standards outlined in Section 018. (7-1-93)

02. Subjects Which Qualify. (7-1-93)

a. The following general subjects are acceptable as long as they contribute to the knowledge and professional competence of an individual licensee as ~~an agent, broker, or consultant~~, a producer and demonstrate a direct and specific application to insurance. ~~(4-5-00)~~(1-1-04)T

- i. Insurance, annuities, and risk management. (7-1-93)
- ii. Insurance laws and rules. (7-1-93)
- iii. Mathematics, statistics, and probability. (7-1-93)
- iv. Economics. (7-1-93)
- v. Business law. (7-1-93)
- vi. Finance. (7-1-93)
- vii. Taxes, Trusts, Estate Planning. (4-5-00)
- viii. Business environment, management, or organization. (7-1-93)
- ix. Securities. (7-1-98)

b. Areas other than those listed above may be acceptable if the licensee can demonstrate that they contribute to professional competence and otherwise meet the standards set forth in this rule. The responsibility for substantiating that a particular program meets the requirements of this rule rests solely upon the licensee. (7-1-93)

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.59 - RULE TO IMPLEMENT THE RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS

DOCKET NO. 18-0159-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211, 41-612 and 41-1927, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This pending rule is to recognize, permit and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with Sections 41-612(4)(a)(iii) and 41-1927(9)(d)(viii)(B)(6), Idaho Code, IDAPA 18.01.47.005.01 and 005.02.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume No. 03-9, September 3, 2003, page 196 through 200.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Martha Hopper at (208) 334-4250.

Dated this 30th day of September, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

IDAPA 18, TITLE 01, CHAPTER 59

RULE TO IMPLEMENT THE RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-9, September 3, 2003, pages 196 through 200.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.59 - RULE TO IMPLEMENT THE RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS

DOCKET NO. 18-0159-0301 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 41-211, 41-612 and 41-1927 Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking:

This is a temporary and proposed rule to recognize, permit and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with Sections 41-612(4)(a)(iii) and 41-1927(9)(d)(viii)(B)(6), Idaho Code, IDAPA 18.01.47.005.01 and 005.02.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The rule confers a benefit.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule is based on a model rule developed nationally with the participation of interested parties and is being adopted by states throughout the country.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and proposed rule, contact Martha Hopper at (208) 334-4250.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2003.

Dated this 23rd day of July, 2003.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720, Boise, ID 83720-0043
Telephone No. (208) 334-4250

THE FOLLOWING IS THE TEXT OF DOCKET NO. 18-0159-0301

2004 - Business House Pending Rule (Yellow)

IDAPA 18
TITLE 01
CHAPTER 59

**18.01.59 - RULE TO IMPLEMENT THE RECOGNITION OF THE 2001 CSO MORTALITY
TABLE FOR USE IN DETERMINING MINIMUM RESERVE
LIABILITIES AND NONFORFEITURE BENEFITS**

000. LEGAL AUTHORITY.

This rule is promulgated and adopted pursuant to the authority granted by Sections 41-211, 41-612 and 41-1927, Idaho Code. (1-1-04)T

001. TITLE AND SCOPE.

01. Title. This chapter shall be cited in full as IDAPA 18.01.59, "Recognition of the 2001 CSO Mortality Table for Use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits". (1-1-04)T

02. Scope. The purpose of this rule is to recognize, permit and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with Sections 41-612(4)(a)(iii) and 41-1927(9)(d)(viii)(B)(6), Idaho Code, and IDAPA 18.01.47, "Valuation of Life Insurance Policies Including the Introduction and Use of New Select Mortality Factors," Subsections 005.01 and 005.02. (1-1-04)T

002. WRITTEN INTERPRETATIONS.

The Department of Insurance may have written statements that pertain to the interpretation of the rules in this chapter. Any written statements shall be available for review at the Department of Insurance, 700 W. State Street, Boise, ID 83720. (1-1-04)T

003. ADMINISTRATIVE APPEALS.

All hearings before the Director of the Department of Insurance shall be governed by Chapter 2, Title 41, and Chapter 52, Title 67, Idaho Code. Any appeal from a decision of the Director can be taken to District Court pursuant to Chapter 52, Title 67, Idaho Code and the Idaho Rules of Civil Procedure. (1-1-04)T

004. INCORPORATION BY REFERENCE.

The Director of the Department of Insurance adopts by reference the 2001 CSO Mortality Table. The table is available on the internet by accessing the department's website at <http://www.doi.state.id.us/company/18.01.59.aspx>. (1-1-04)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS.

This office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The department's mailing address is: Idaho Department of Insurance, PO Box 83720, Boise, Idaho 83720-0043. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043. (1-1-04)T

006. PUBLIC RECORDS.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, and Title 41, Idaho Code. (1-1-04)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this rule, unless the context requires otherwise, the following words shall have the following meanings: (1-1-04)T

01. 2001 CSO Mortality Table. That mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic

2004 - Business House Pending Rule (Yellow)

DEPARTMENT OF INSURANCE
Recognition of the 2001 CSO Mortality Table**Docket No. 18-0159-0301**
Temporary and Proposed Rulemaking

Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the "Proceedings of the NAIC (2nd Quarter 2002)". Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest birthday and age-last-birthday bases of the mortality tables. (1-1-04)T

02. 2001 CSO Mortality Table (F). Mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table. (1-1-04)T

03. 2001 CSO Mortality Table (M). Mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table. (1-1-04)T

04. Composite Mortality Tables. Mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers. (1-1-04)T

05. Smoker And Nonsmoker Mortality Tables. Mortality tables with separate rates of mortality for smokers and nonsmokers. (1-1-04)T

011. -- 099. (RESERVED).

100. 2001 CSO MORTALITY TABLE.

01. Election Of The Company. At the election of the company for any one (1) or more specified plans of insurance and subject to the conditions stated in this rule, the 2001 CSO Mortality table may be used as the minimum standard for policies issued on or after January 1, 2004 and before the date specified in Subsection 004.02 to which Sections 41-612(4)(a)(iii) and 41-1927(9)(d)(viii)(B)(6), Idaho Code, IDAPA 18.01.47.005.01 and 005.02 are applicable. If the company elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes. (1-1-04)T

02. Minimum Standards For Policies. Subject to the conditions stated in this rule, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which Sections 41-612(4)(a)(iii) and 41-1927(9)(d)(viii)(B)(6), Idaho Code, IDAPA 18.01.47.005.01 and 005.02 are applicable. (1-1-04)T

101. -- 199. (RESERVED).

200. CONDITIONS.

01. Plans With Separate Rates For Smokers And Nonsmokers. For each plan of insurance with separate rates for smokers and nonsmokers an insurer may use: (1-1-04)T

a. Composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits; (1-1-04)T

b. Smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by Section 41-612(10), Idaho Code, and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits; or (1-1-04)T

c. Smoker and nonsmoker mortality to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits. (1-1-04)T

02. Plans Without Separate Rates For Smokers And Nonsmokers. For plans of insurance without separate rates for smokers and nonsmokers the composite mortality tables shall be used. (1-1-04)T

03. Determining Minimum Reserve Liabilities And Minimum Cash Surrender Values And

2004 - Business House Pending Rule (Yellow)

DEPARTMENT OF INSURANCE
Recognition of the 2001 CSO Mortality Table**Docket No. 18-0159-0301**
Temporary and Proposed Rulemaking

Amounts Of Paid-Up Nonforfeiture Benefits. For the purpose of determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, the 2001 CSO Mortality Table may, at the option of the company for each plan of insurance, be used in its ultimate or select and ultimate form, subject to the restrictions of Section 006 of this rule and IDAPA 18.01.47 relative to use of the select and ultimate form. (1-1-04)T

04. The 2001 CSO Mortality Table Is The Minimum Reserve Standard. When the 2001 CSO Mortality Table is the minimum reserve standard for any plan for a company, the actuarial opinion in the annual statement filed with the director shall be based on an asset adequacy analysis as specified in IDAPA 18.01.77.005.08. The director may exempt a company from this requirement if it only does business in this state and in no other state. (1-1-04)T

201. -- 299. (RESERVED).

300. APPLICABILITY OF THE 2001 CSO MORTALITY TABLE TO IDAPA 18.01.47.

01. Use Of The 2001 CSO Mortality Table. The 2001 CSO Mortality Table may be used in applying IDAPA 18.01.47 in the following manner, subject to the transition dates for use of the 2001 CSO Mortality Table referenced in Section 004 of this rule. Unless otherwise noted, the references in this Section are to Subsections of IDAPA 18.01.47. Nothing in this section shall be construed to expand the applicability of IDAPA 18.01.47 to include life insurance policies exempted under IDAPA 18.01.47.001.04: (1-1-04)T

a. IDAPA 18.01.47.001.04.a.ii.(2): The net level reserve premium is based on the ultimate mortality rates in the 2001 CSO Mortality Table. (1-1-04)T

b. IDAPA 18.01.47.004.02: All calculations are made using the 2001 CSO Mortality Rate, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in Subsection 006.01.d. of this rule. The value of "qx+k-1" is the valuation mortality rate for deficiency reserves in policy year k+t, but using the unmodified select mortality rates if modified select mortality rates are used in the computation of deficiency reserves. (1-1-04)T

c. IDAPA 18.01.47.005.01: The 2001 CSO Mortality Table is the minimum standard for basic reserves. (1-1-04)T

d. IDAPA 18.01.47.005.02: The 2001 CSO Mortality Table is the minimum standard for deficiency reserves. If select mortality rates are used, they may be multiplied by X percent for durations in the first segment, subject to the conditions specified in Subsections 18.01.47.005.02.c.i. to 005.02.c.ix. In demonstrating compliance with those conditions, the demonstrations may not combine the results of tests that utilize the 1980 CSO Mortality Table with those tests that utilize the 2001 CSO Mortality Table, unless the combination is explicitly required by rule or necessary to be in compliance with relevant Actuarial Standards of Practice. (1-1-04)T

e. IDAPA 18.01.47.006.03: The valuation mortality table used in determining the tabular cost of insurance shall be the ultimate mortality rates in the 2001 CSO Mortality Table. (1-1-04)T

f. IDAPA 18.01.47.006.05.d.: The calculations specified in Subsection 006.05 shall use the ultimate mortality rates in the 2001 CSO Mortality Table. (1-1-04)T

g. IDAPA 18.01.47.006.06.d.: The calculations specified in Subsection 006.06 shall use the ultimate mortality rates in the 2001 CSO Mortality Table. (1-1-04)T

h. IDAPA 18.01.47.006.07.b.: The calculations specified in Subsection 006.07 shall use the ultimate mortality rates in the 2001 CSO Mortality Table. (1-1-04)T

i. IDAPA 18.01.47.007.01.a.ii.: The one (1) year valuation premium shall be calculated using the ultimate mortality rates in the 2001 CSO Mortality Table. (1-1-04)T

301. -- 399. (RESERVED).

2004 - Business House Pending Rule (Yellow)

400. GENDER-BLENDED TABLES.

01. Minimum Cash Surrender Values And Amounts Of Paid-Up Nonforfeiture Benefits. For any ordinary life insurance policy delivered or issued for delivery in Idaho on and after January 1, 2004, that utilizes the same premium rates and charges for male and female lives or is issued in circumstances where applicable law does not permit distinctions on the basis of gender, a mortality table that is a blend of the 2001 CSO Mortality Table (M) and the 2001 CSO Mortality Table (F) may, at the option of the company for each plan of insurance, be substituted for the 2001 CSO Mortality Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits. No change in minimum valuation standards is implied by Subsection 400.01 of this chapter.

(1-1-04)T

02. Blended Table Choices. The company may choose from among the blended tables developed by the American Academy of Actuaries CSO Task Force and adopted by the NAIC in December 2002.

(1-1-04)T

03. Sex-Distinct And Sex-Neutral Policy Issuance. It shall not, in and of itself, be a violation of Title 41, Chapter 13, Idaho Code for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

(1-1-04)T

401. -- 499. (RESERVED).

500. SEPARABILITY.

If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances shall not be affected.

(1-1-04)T

501. -- 599. (RESERVED).

600. EFFECTIVE DATE.

This chapter shall become effective January 1, 2004.

(1-1-04)T

601. -- 999. (RESERVED).

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.01.01 - RULES OF THE STATE BOARD OF ARCHITECTURAL EXAMINERS

DOCKET NO. 24-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-312, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03.10, pages 396 through 398.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 01, CHAPTER 01

RULES OF THE STATE BOARD OF ARCHITECTURAL EXAMINERS

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 396 through 398.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.01.01 - RULES OF THE STATE BOARD OF ARCHITECTURAL EXAMINERS

DOCKET NO. 24-0101-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-312, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Adds continuing education requirements for renewal of architects licenses.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges imposed or increased as a result of these rules.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the licensees have been notified of this pending requirement with no controversy.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rayola Jacobsen, (208)334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 20th day of August 2003.

Rayola Jacobsen
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702
(208)334-3233
(208)334-3945 (FAX)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0101-0301

411. -- ~~449.~~ (RESERVED).

450. CONTINUING EDUCATION (Rule 450).

In order to protect the public health and safety and promote the public welfare, the Board has adopted the following

2004 - Business House Pending Rule (Yellow)

BUREAU OF OCCUPATIONAL LICENSES Rules of the State Board of Architectural Examiners

Docket No. 24-0101-0301
Proposed Rulemaking

rules for continuing education. ()

01. Continuing Education Requirement. Each Idaho licensed architect must successfully complete a minimum of eight (8) hours of continuing education in architectural health, safety and welfare annually for license renewal. ()

a. Each licensee shall submit to the Board a license renewal application form, together with the required fees, certifying by signed affidavit that compliance with the annual CE requirements have been met during the previous twelve (12) months. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements. ()

b. A licensee shall be considered to have satisfied their CE requirements for the first renewal of their initial license. Licensees who have failed to meet the annual continuing education requirement may petition the Board for additional time to complete their continuing education requirements. ()

c. Prior to reinstatement of a license lapsed, canceled or otherwise non-renewed for less than five (5) years, the applicant shall provide proof of attendance consisting of eight (8) hours of continuing education for each year the license was lapsed. A license lapsed, canceled or otherwise not renewed for more than five (5) years may be reinstated in accordance with Section 67-2614, Idaho Code. ()

d. A licensee may carryover a maximum of eight (8) hours of continuing education to meet the next year's continuing education requirement. ()

e. One (1) continuing education hour shall be equal to one (1) learning unit, as determined by the American Institute of Architects, or one (1) clock hour of education, as determined by the Board. ()

02. Architectural Health, Safety And Welfare Requirement. To qualify for continuing education, a course must involve architectural health, safety and welfare, which generally relates to the structural integrity or unimpairedness of a building or building sites and includes the following subject areas: ()

a. Architectural planning and pre-design, accessibility, acoustics, building design, code of ethics, codes, acts, laws and rules governing the practice of architecture, construction administration, construction laws, construction functions, materials, methods and systems, environmental issues, energy efficiency, asbestos, lead based paint, toxic emissions, environmental analysis and environmental issues of building materials and systems, fire, building fire codes, flames spread, smoke contribution, explosives, fire safety systems, fire detection alarm standards, insurance issues, interior design, material use, functions and features, materials systems, roofing, waterproofing, wall systems, mechanical, plumbing and electrical system concepts, materials and methods, security of buildings, natural hazards related to building design, earthquakes, high wind and floods, preservation, renovation, restoration and adaptive reuse and sustainable design, site and soil analysis, site design, specification writing, structural issues, survey methods and techniques, and such other subjects as determined by the Board. ()

03. Approved Credit. Continuing education courses must be in the subject of architectural health, safety and welfare and be presented by: ()

a. Providers approved by the National Architectural Accreditation Board (NAAB) schools of architecture; or ()

b. Providers approved by the National Council of Architect Registration Board (NCARB); or ()

c. Providers approved by the American Institute of Architects (AIA); or ()

d. Providers as otherwise approved by the Board. All requests for approval or pre-approval of continuing education credits must be made to the Board in writing and must be accompanied by a statement that includes the name of the instructor or instructors, his or her qualifications, the date, time and location of the course, the specific agenda for the course, the number of continuing education hours requested, and a statement of how the course is believed to be in the nature of architectural health, safety and welfare. ()

2004 - Business House Pending Rule (Yellow)

04. Verification Of Attendance. It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. This verification shall be maintained by the licensee for a period of three (3) years and provided to the Board upon request of the Board or its agent. ()

05. Failure To Fulfill The Continuing Education Requirements. The license will not be renewed for those licensees who fail to certify or otherwise provide acceptable documentation of meeting the CE requirements. Licensees who make a false attestation regarding compliance with the CE requirements shall be subject to disciplinary action by the Board. ()

06. Exemptions. A licensed architect shall be deemed to have complied with the CE requirements if the licensee attests in the required affidavit that for not less than ten (10) months of the preceding one (1) year period of licensure, the architect has met one (1) of the following criteria: ()

a. Has served honorably on active duty in the military service (exceeding ninety (90) consecutive days). ()

b. Is a resident of another jurisdiction recognized by the Board having a continuing professional education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein. ()

c. Is a government employee working as an architect and assigned to duty outside the United States. ()

d. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The architect must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. ()

451. -- 499. (RESERVED).

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-821, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 399 through 402.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 04, CHAPTER 01

RULES OF THE IDAHO BOARD OF COSMETOLOGY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 399 through 402.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-821, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Deletes part of the rule requiring that mannequin hands for nail technology exam may not have artificial nails and corrects Idaho Code references.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges imposed or increased as a result of these rules.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there were no controversial changes made.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rayola Jacobsen, (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 19th day of August, 2003.

Rayola Jacobsen
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702
(208) 334-3233
(208) 334-3945 (FAX)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0401-0301

491. MODELS FOR THE NAIL TECHNOLOGY EXAMINATION (Rule 491).

01. Mannequin Hands For Manicure. Mannequin hands are mandatory for all portions of the nail

2004 - Business House Pending Rule (Yellow)

technology examination and must be treated in all respects, the same as a live model. ~~They may not have artificial nails.~~ (3-8-02)(____)

(BREAK IN CONTINUITY OF SECTIONS)

550. RULES FOR COSMETOLOGY SCHOOLS APPROVED TO TEACH ELECTROLOGY (Rule 550).
Section 54-802 ~~(n)~~8 provides for the teaching of electrology in cosmetology schools. (7-1-99)(____)

01. Board Approval. The board may approve a school to teach electrology who makes application on forms provided by the board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach electrology. (7-1-99)

02. Minimum Square Footage. Schools provide a minimum of three hundred (300) square feet of designated floor space per six (6) students. (7-1-97)

03. Required Equipment. Each school shall have the following equipment, which is considered the minimum equipment necessary for the proper instruction of students. This amount of equipment is based on six (6) students. (7-1-97)

- a. Work stations equal to seventy-five percent (75%) of total enrollment. (7-1-97)
- Blend. b. Two (2) brands of machines (one (1) with three (3) method capability) Galvanic, Thermolysis, and (7-1-97)
- c. Two (2) treatment tables and adjustable technician chairs. (7-1-97)
- d. Two (2) swing arm lamps with magnifying lens. (7-1-97)
- e. Two (2) magnifying glasses. (7-1-97)
- f. Tweezers. (7-1-97)
- g. One (1) basin with approved water source. (7-1-97)
- h. Necessary sanitation equipment for implements. (7-1-97)
- i. Closed storage cabinet. (7-1-97)

04. Kit. Each student to be issued a basic kit containing: two (2) tweezers, disposable probes, eye shields, disposable gloves, before treatment solution, after treatment lotion, hair pins or clippies, one (1) sharps container. (7-1-99)

05. Electrologist Instructor/Student Ratio. Schools have at least one (1) licensed electrologist instructor for every six (6) students or portion thereof, being trained therein. (7-1-99)

06. Records Required. Records required of cosmetology schools approved to teach electrology shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

07. Record Of Instruction. A record of all operations completed by each student shall be maintained and include the following: (3-30-01)

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BUREAU OF OCCUPATIONAL LICENSES
Rules of the Board of Cosmetology

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Proposed Rulemaking

- a. Permanent Removal of Hair (Electrology). (7-1-97)
- i. Bacteriology, sanitation and sterilization, safety precautions, anatomy, and physiology. (3-30-01)
- ii. Electricity which shall include the nature of electrical current, principles of operating electrical devices and the various safety precautions used when operating electrical equipment. (3-30-01)
- iii. Electrolysis which shall include the use and study of galvanic current. (3-30-01)
- iv. Thermolysis which shall include the use and study of high frequency current automatic and manual. (3-30-01)
- v. A combination of high frequency and galvanic currents. (3-30-01)
- vi. The study and cause of hypertrichosis. (3-30-01)
- b. Students may not render any clinical services to patrons until completing at least eighty (80) hours of instruction in electrology. (7-1-99)

551. -- 559. (RESERVED).

560. RULES FOR COSMETOLOGY SCHOOLS TEACHING ESTHETICS (Rule 560).

Section 54-802(~~7~~)8, Idaho Code, provides for the teaching of esthetics in cosmetology schools. (~~7-1-97~~)()

01. Board Approval. The board may approve a school to teach esthetics who makes application on forms provided by the board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by the board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach esthetics. (7-1-97)

02. Records Required. Records required of schools teaching esthetics shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

a. Students may not render any clinical services to patrons until completing at least sixty (60) hours of instruction in esthetics. (7-1-97)

b. The recorded operations completed by each student shall be maintained and include the following: (3-30-01)

- i. Massage and Manipulation application of lotions, creams, etc. (3-30-01)
- ii. Cosmetics. (3-30-01)
- iii. Machine Application: use of mechanical or electrical equipment. (3-30-01)
- iv. Bacteriology, Sanitation and sterilization, safety precautions, anatomy and physiology. (3-30-01)
- v. Eyebrow arch and hair removal. (3-30-01)

561. -- 569. (RESERVED).

570. RULES FOR COSMETOLOGY SCHOOLS TEACHING NAIL TECHNOLOGY (Rule 570).

Section 54-802(~~4~~)8, Idaho Code, provides for the teaching of nail technology in cosmetology schools. (~~7-1-97~~)()

01. Board Approval. The board may approve a school to teach nail technology who makes application on forms provided by the board and who meets all the requirements set forth in the cosmetology law and these rules. Approval of curriculum must be submitted on a separate application. Approval may be suspended or terminated by

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BUREAU OF OCCUPATIONAL LICENSES
Rules of the Board of Cosmetology**Docket No. 24-0401-0301**
Proposed Rulemaking

the board for the school's failure to meet any one or more of the minimum requirements set forth in the cosmetology law and rules to teach nail technology. (7-1-97)

02. Records Required. (7-1-97)

a. Records required of schools teaching nail technology shall be maintained in accordance with the records required for schools of cosmetology. (3-30-01)

b. Students may not render any clinical services to patrons until the student has completed at least forty (40) hours of instruction. All work done on patrons must be completed by students and supervised by instructors. (7-1-97)

03. Record Of Training. A record of operations completed by each student shall be maintained of the following: (3-30-01)

a. Form nails; (3-30-01)

b. Finished tips; (3-30-01)

c. Wraps and mends; and (3-30-01)

d. Basic manicures and pedicures. (3-30-01)

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3003, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Changes were made to proposed text due to public comment in 004 and 425. ASLA Code of Professional Ethics was replaced by CLARB Model Rules of Professional Conduct as approved September, 2002.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 407 through 411.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220, Boise, ID 83702
(208) 334-3233 / (208) 334-3945 fax

IDAPA 24, TITLE 07, CHAPTER 01

RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 403 through 406.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

BUREAU OF OCCUPATIONAL LICENSES
Idaho State Board of Landscape Architects

Docket No. 24-0701-0301
Pending Rule

*Language That Has Been Deleted From The Original Proposed Rule
Has Been Removed And New Language Is Shown In Italics*

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 24-0701-0301

SECTION 004 (Entire Section)

004. INCORPORATION BY REFERENCE (Rule 4).

The document titled the *Council of Landscape Architectural Registration Boards (CLARB) Model Rules of Professional Conduct* as amended September 2002, referenced in Subsection 425, is herein incorporated by reference. ()

SECTION 425 (Entire Section)

425. RULES OF PROFESSIONAL RESPONSIBILITY (Rule 425).

01. Rules of Professional Responsibility. The *CLARB model rules of professional conduct* as amended September 2002 are hereby adopted as the Rules of Professional Responsibility for all Idaho licensed landscape architects. ()

02. Violation Of The Rules of Professional Responsibility. The Board will take action against a licensee under Section 54-3004(5), Idaho Code, who is found in violation of the Rules of Professional Responsibility. ()

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-03013

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3003, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule making will be scheduled in requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rule making:

Adds required sections; amends education section; amends practical experience section; clarifies application process; makes provision for landscape architect-in-training; clarifies examination section; replaces certificate fee with license fee; includes rules of professional responsibility; and amends meeting dates.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges imposed or increased as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes made are not controversial.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rayola Jacobsen at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 19th day of August, 2003.

Rayola Jacobsen.
Owhyee Plaza
1109 Main Street, Suite 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 (FAX)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0701-0301

~~002- (RESERVED)~~

2004 - Business House Pending Rule (Yellow)

BUREAU OF OCCUPATIONAL LICENSES Rules of the Board of Landscape Architects

Docket No. 24-0701-0301
Proposed Rulemaking

0032. WRITTEN INTERPRETATIONS (Rule 32).

The board may have written statements which pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (7-1-93)()

003. ADMINISTRATIVE APPEALS (Rule 3).

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. ()

004. INCORPORATION BY REFERENCE (Rule 4).

The document titled the American Society of Landscape Architects (ASLA) Code of Professional Ethics, as amended September 1999, referenced in Subsection 425, is herein incorporated by reference. ()

005. ADDRESS OF IDAHO BOARD OF LANDSCAPE ARCHITECTS (Rule 5).

The office of the Board of Landscape Architects is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is lar@ibol.state.id.us. The Board's official web site is at www2.state.id.us/ibol/lar. ()

006. PUBLIC RECORDS (Rule 6).

The records associated with the Board of Landscape Architects are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

0047. -- 009. (RESERVED).

010. DEFINITIONS (Rule 10).

01. Board. The Idaho State Board of Landscape Architects, as prescribed in Section 54-3001(c), Idaho Code. (7-1-93)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-3003 and 67-2602, Idaho Code. ()

(BREAK IN CONTINUITY OF SECTIONS)

101. APPROVED EDUCATION ~~REQUIREMENTS~~ (Rule 101).

~~The education requirements will be the~~ An approved colleges or schools of landscape architecture shall have a landscape architecture program accredited by the American Society of Landscape Architects, University of Idaho, and other schools or colleges or shall substantially meet the accrediting standards of the ASLA as may be approved determined by the Board. (7-1-93)()

102. PRACTICAL EXPERIENCE IN LIEU OF EDUCATION (Rule 102).

~~Upon examination of the applicant by the Board, the Board will have the option to require additional evidence of education and/or actual practical experience. This may be in the form of plans, photographs, etc. Work submitted to the Board shall demonstrate that the applicant is qualified under the definition of a Landscape Architect in the Act for Registration, Licensing and Regulation of Landscape Architects. An applicant shall document at least eight (8) years of actual practical experience in landscape architecture in lieu of graduation from an approved college or school of landscape architecture. Such experience shall establish the applicant's education in those subjects and areas contained in the curriculum of an approved college or school of landscape architecture. No less than fifty percent (50%) of such practical experience shall be under the supervision of a licensed landscape architect.~~ (7-1-93)()

103. -- 199. (RESERVED).

200. APPLICATION ~~FILING DATE~~ (Rule 200).

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BUREAU OF OCCUPATIONAL LICENSES Rules of the Board of Landscape Architects

Docket No. 24-0701-0301
Proposed Rulemaking

~~Applications for examination must be filed with the Bureau of Occupational Licenses by April first (1st) for the June examination, or October first (1st) for the December examination. Each applicant for licensure shall submit a complete application together with the required fees to the Board. An application shall be made on the uniform application form adopted by the Board and furnished to the applicant by the Bureau. An application shall not be reviewed by the Board until all required information is furnished and the required fees paid.~~ (11-25-94)()

201. APPLICATION FORM (Rule 201).

~~Each applicant is required to complete and return an application form whether applying for reciprocity or examination.~~ (7-1-93)

01. Reference Requirements. Applicants are required to furnish the Board four (4) references (two (2) must be currently licensed Idaho Landscape Architects). All references must be from competent individuals who are well acquainted with the applicant's character and professional ability. (7-1-93)()

02. Materials Submitted To Board. All required applications, statements, fees and other ~~matters required to be furnished or paid by these rules~~ documentation must be submitted to the Board in care of the Bureau of Occupational Licenses, and shall include: (7-1-93)()

- a.** A passport photograph taken within thirty (30) days of the date of application; ()
- b.** Documentation of being at least eighteen (18) years of age at the time of application; and ()
- c.** Either certification of graduation from an approved college or school of landscape architecture; or ()
- d.** Documentation of all actual landscape architectural or other applicable experience signed by the person under whose supervision the work was performed, giving kind and type of work done, together with dates of employment. ()

03. Deadlines. To be considered by the Board, completed applications must be received by the Bureau at least thirty (30) days prior to the first day of the month in which the Board will meet. Applications for examination must be filed with the Bureau of Occupational Licenses by April 1 for the June examination, or October 1 for the December examination. ()

202. -- 2949. (RESERVED).

250. LANDSCAPE ARCHITECT-IN-TRAINING (Rule 250).

An individual may represent themselves as a landscape architect-in-training only under the following conditions: ()

01. Qualifications. Any person who is at least eighteen (18) years of age and has graduated from an approved college or school of landscape architecture, or who documents at least eight (8) years of actual practical experience in landscape architecture approved by the board. ()

02. Supervision. Each landscape architect-in-training shall be employed by and work under the direct supervision of an Idaho licensed landscape architect. ()

03. Prohibitions. A landscape architect-in-training shall not sign or seal any plan, specification, or other document, and shall not engage in the practice of landscape architecture except under the direct supervision of an Idaho licensed landscape architect. ()

04. Registration. Each landscape architect-in-training shall register with the Board on forms provided by the Bureau of Occupational Licenses that shall include the names and addresses of their employer, and supervisor. ()

251. -- 299. (RESERVED).

2004 - Business House Pending Rule (Yellow)

BUREAU OF OCCUPATIONAL LICENSES Rules of the Board of Landscape Architects

Docket No. 24-0701-0301
Proposed Rulemaking

300. EXAMINATIONS (Rule 300).

The examination shall be that published by the Council of Landscape Architectural Registration Boards. Examinations will be in the months of June and December. ~~(3-18-99)~~(____)

01. Minimum Passing Score. The minimum passing score for each section of the examination shall be seventy-five percent (75%). (7-1-93)

02. Failing A Section Of Exam. An applicant failing any section of the examination will be required to retake only that section failed. (7-1-93)

03. Required Forms. ~~Application and reference forms are required for original applications.~~ Each applicant approved for examination must provide notice of intent to sit for examination on a form approved by the board. Notice of intent to sit for examination must be filed with the Bureau of Occupational Licenses by April 1 for the June examination, or October 1 for the December examination. ~~(7-1-93)~~(____)

04. Reexamination. Applicants applying for reexamination must file an application of intent to sit for examination by April 1 for the June examination, or October 1 for the December examination. The fees for reexamination shall be the same as those for examination and must accompany the application of intent to sit. (____)

301. ~~RETAKES (Rule 301)~~ (RESERVED).

~~Applicants must file a statement of intent to appear for retake by April 1 for the June examination, or October 1 for the December examination. The fee for retake must accompany statement of intent.~~ (11-25-94)

302. ~~RECIPROCITY/LIMITED EXAMINATION ENDORSEMENT~~ (Rule 302).

The board may ~~certify for~~ approve the registration and licensure of an applicant who ~~has achieved~~ holds a current ~~licensing~~ license in another state ~~by~~ and who has successfully ~~passing~~ passed the Landscape Architect Registration Examination as required by Section 300 or holds a current Council of Landscape Architectural Registration Boards certificate. ~~(3-18-99)~~(____)

303. -- 399. (RESERVED).

400. FEES (Rule 400).

Fees are not refundable, therefore, applications should not be filed unless the applicant can meet all requirements. (7-1-93)

01. Application Fee. Application Fee (Original-Reapplication-~~Reciprocity~~Endorsement) One hundred dollars (\$100). ~~(12-27-93)~~(____)

02. Examination Fees. Examination fees will be as established by the council of landscape architectural registration boards. ~~(7-24-94)~~(____)

03. Original ~~Certificate~~ License And Annual License Fee. Original ~~certificate~~ license and annual license fee - One hundred dollars (\$100). ~~(12-27-93)~~(____)

04. Reinstatement Fee. Reinstatement fee - Twenty-five dollars (\$25). (7-1-93)

05. ~~Application Fee.~~ ~~All applicants for licensure must submit a one hundred dollar (\$100) application fee.~~ ~~(12-27-93)~~

06. ~~Submission Of Original Certificate Fee.~~ ~~The original certificate fee one hundred dollars (\$100) must be submitted upon acceptance by the Board for licensure.~~ ~~(7-1-93)~~

075. Processing Fee. Applicants for ~~licensing by~~ examination must submit a twenty-five dollar (\$25) processing fee, together with the examination fees and the application fee. ~~(12-27-93)~~(____)

401. -- ~~449~~24. (RESERVED).

2004 - Business House Pending Rule (Yellow)

BUREAU OF OCCUPATIONAL LICENSES
Rules of the Board of Landscape Architects

Docket No. 24-0701-0301
Proposed Rulemaking

425. RULES OF PROFESSIONAL RESPONSIBILITY (Rule 425).

01. Rules Of Professional Responsibility. The ASLA Code of Professional Ethics as amended September 1999 are hereby adopted as the Rules of Professional Responsibility for all Idaho licensed landscape architects. ()

02. Violation Of The Rules of Professional Responsibility. The Board will take action against a licensee under Section 54-3004(5), Idaho Code, who is found in violation of the Rules of Professional Responsibility. ()

426. -- 449. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

500. MEETINGS (Rule 500).

Board meetings will be held ~~on the third Friday of the months of January (optional), in April, July and October of~~ each year and at such other times as the Board deems necessary. (7-1-93)()

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.02 - RULES OF THE IDAHO STATE BOARD OF MORTICIANS GOVERNING CREMATORIES

DOCKET NO. 24-0802-0301 - (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This chapter is being repealed in its entirety. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, page 418.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rayola Jacobson at (208) 334-3233.

DATED this 4th day of November, 2003.

Rayola Jacobson, Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 08, CHAPTER 02

RULES OF THE IDAHO STATE BOARD OF MORTICIANS GOVERNING CREMATORIES

This chapter is being repealed in its entirety.

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 2, 2003, page 418.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.02 - RULES OF THE IDAHO STATE BOARD OF MORTICIANS GOVERNING CREMATORIES

DOCKET NO. 24-0802-0301 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-1107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Effective July 1, 2003, Title 27, Chapter 3, Idaho Code, Crematory law was repealed and included in Title 54, Chapter 11, Idaho Code. Therefore, this chapter of rules is being repealed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees or charges imposed or increased as a result of these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rayola Jacobsen, (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 4th day of September, 2003.

Rayola Jacobsen
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702
(208) 334-3233
(208) 334-3945 (FAX)

IDAPA 24.08.02 IS BEING REPEALED IN ITS ENTIRETY.

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-4106, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 441 through 443.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Rayola Jacobsen at (208) 334-3233.

DATED this 29th day of October, 2003.

Rayola Jacobsen, Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233
(208) 334-3945 fax

IDAPA 24, TITLE 18, CHAPTER 01

RULES OF THE REAL ESTATE APPRAISER BOARD

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-10, October 1, 2003, pages 441 through 443.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-4106, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Updates incorporation by reference rule to reflect current publication date; deletes certificate and history record fees; clarifies continuing education requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges imposed or increased as a result of these rules.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there were no controversial changes made.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rayola Jacobsen, (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 19th day of August 2003.

Rayola Jacobsen
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702
(208) 334-3233
(208) 334-3945 (FAX)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-1801-0301

004. INCORPORATION BY REFERENCE (Rule 4).

The document titled "Uniform Standards of Professional Appraisal Practice (USPAP)", 2002³ Edition published by the Appraisal Foundation and effective January 1, 2002³ as referenced in Subsection 700, is herein incorporated by reference and is available for review at the Board's office and may be purchased from the Appraisal Foundation.

2004 - Business House Pending Rule (Yellow)

~~(5-3-03)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

200. FEES (Rule 200).

Fees are established in accord with Section 54-4113, Idaho Code as follows: (7-1-93)

01. Application. Application fee for Certification/Registration/License - two hundred fifty dollars (\$250). (3-13-02)

02. Original Certification/License. Original Certification/License - one hundred twenty-five dollars (\$125*). (3-30-01)

03. Certification/License Renewal. Certification/License renewal - two hundred fifty dollars (\$250*). (3-30-01)

04. Reinstatement. Reinstatement fees are as provided in Section 67-2614, Idaho Code - twenty-five dollars (\$25). (7-1-93)

~~**05. Duplicate Certificate/License.** Duplicate Certificate/License - twenty-five dollars (\$25). (7-1-93)~~

~~**06. History Record.** History record - twenty-five dollars (\$25). (7-1-93)~~

~~**07. Application For Reciprocity.** Application for reciprocity - two hundred fifty dollars (\$250*). (3-30-01)~~

~~**08. Original Certification/License Via Reciprocity.** Original Certification/License via reciprocity - one hundred twenty-five dollars (\$125*). (3-30-01)~~

~~**09. Temporary Permit.** Temporary permit - one hundred dollars (\$100). (7-1-93)~~

~~**10. Trainee Registration Fee.** Trainee registration fee - fifty dollars (\$50). (3-13-02)~~

~~**11. Examination And Reexamination Fees.** Examination and Reexamination fees will be calculated based on the actual cost of the examination. Successful applicants will be notified of the fees at the time they are scheduled for examination. (7-1-97)~~

~~**12. Fees Are Non-Refundable.** Fees are non-refundable. (7-1-93)~~

~~**13. Fees Followed By "*" Means.** Proposed fees for these categories marked with an asterisk include an estimated twenty five-dollars (\$25) to be submitted by the state to federal government. Title XI, Section 1109 requires each state to submit a roster listing of state certified/licensed appraisers to the Appraiser Subcommittee "no less than annually". The state is also required to collect from such individuals who perform appraisals in federally related transactions an annual registry fee of "not more than twenty five dollars (\$25)", such fees to be transmitted by the state to the federal government on an annual basis. (7-1-93)~~

(BREAK IN CONTINUITY OF SECTIONS)

401. CONTINUING EDUCATION (Rule 401).

All certified/licensed appraisers must comply with the following continuing education requirements: (7-1-97)

01. Purpose Of Continuing Education. The purpose of continuing education is to ensure that the

2004 - Business House Pending Rule (Yellow)

BUREAU OF OCCUPATIONAL LICENSES Rules of the Real Estate Appraiser Board

Docket No. 24-1801-0301
Proposed Rulemaking

appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising. (7-1-97)

02. Hours Required. The equivalent of fifteen (15) classroom hours of instruction in courses or seminars for during each year ~~during the three (3) years during the period preceding the renewal prior to renewal~~ is required. ~~(For example, a three (3) year certification term would require forty five (45) hours. These hours may be obtained any time during the three (3) year term.~~ (7-1-97)()

a. A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment. (7-1-93)

b. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours. (7-1-97)

c. Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the appraisal members of The Appraisal Foundation and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board, which shall require documentation including the instructors and their qualifications, course content, length of course, and its location. Courses shall be approved for a period of four (4) years. (3-13-02)

d. Continuing education hours accumulated during the twelve (12) months immediately preceding the license expiration date that are in excess of the required hours per year may be applied toward meeting the continuing education requirement for the next successive license renewals. No more than thirty (30) continuing education hours in excess of the required fifteen (15) hours shall be carried forward. Excess hours must be used toward meeting the continuing education requirements for the next immediately successive renewal periods only. ()

de. Once every ~~five~~ two (52) years an Idaho State Certified/Licensed Real Estate Appraiser will be required to attend ~~fifteen~~ an approved seven (457) hours of a USPAP update course ~~and receive a passing grade on a course examination~~ or the equivalent. An approved fifteen (15) hour USPAP course shall be considered as an equivalent course, however, no excess USPAP hours may be carried forward to meet the two (2) year USPAP update requirement. (3-13-02)()

03. Credit For Appraisal Educational Processes And Programs. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtaining continuing education. (7-1-97)

04. Requirement When A Certificate/License Is Cancelled. For each year (less than five (5)) in which a license is lapsed, ~~cancelled~~ canceled, or otherwise non-renewed, fifteen (15) hours of continuing education must be obtained prior to reinstatement. In addition, for each two (2) years (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, a seven (7) hour USPAP update course must be obtained prior to reinstatement. (3-18-99)()

2004 - Business House Pending Rule (Yellow)

IDAPA 33 - IDAHO REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Real Estate Commission and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule will become final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by the concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, notice is hereby given that the Real Estate Commission has adopted a pending rule. The action is authorized pursuant to Section 54-2007, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rules and a statement of any change between the text of the proposed rule and the text of the pending rule: The Commission has decided to permit licensees to "self-certify" their Continuing Education ("CE") compliance when renewing or reactivating a license. To be effective, of course, the certification is subject to verification. The Commission believes that allowing the licensee to self-certify his completion of the CE requirements - rather than submit a hefty packet of documents with the application - is a benefit to the licensee as well as the Commission. The Rules set forth the type of CE documentation the licensee will need to keep, and authorize the Commission to request the documentation in order to verify the certificate of compliance. The rules also provide that the license will be inactivated if he fails to comply with the Commission's request for verification, and restate for the licensee the consequences of submitting a false certificate (which already exist by statute). Finally, the rules list the "approved CE topics," which had previously been listed only in Policy. The standards set forth in these rules are deemed necessary by the Commission to allow it to continue this much-desired self-certification program.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the January 1, 2003 Idaho Administrative Bulletin, Volume 03-1, pages 199 through 202.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Donna Jones, (208) 334-3285 ext. 232.

Dated this 16th day of October, 2003.

Donna M. Jones, Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

IDAPA 33, TITLE 01, CHAPTER 01

RULES OF THE IDAHO REAL ESTATE COMMISSION

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-1, January 1, 2003, pages 199 through 202.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

2004 - Business House Pending Rule (Yellow)

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 13, 2002.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2007, Idaho Code.

PUBLIC HEARING: Public hearing concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 31, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Commission has decided to permit licensees to "self-certify" their CE compliance when renewing or reactivating a license. To be effective, of course, the certification is subject to verification. The Commission believes that allowing the licensee to self-certify his completion of the CE requirements - rather than submit a hefty packet of documents with the application - is a benefit to the licensee as well as the Commission.

The Rules set forth the type of CE documentation the licensee will need to keep, and authorize the Commission to request the documentation in order to verify the certificate of compliance. The rules also provide that the license will be inactivated if he fails to comply with the Commission's request for verification, and restate for the licensee the consequences of submitting a false certificate (which already exist by statute). Finally, the rules list the "approved CE topics," which had previously only been listed in Policy. The standards set forth in these rules are deemed necessary by the Commission to allow it to continue this much-desired self-certification program.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule confers a benefit in that it sets forth standards allowing the licensee to "self-certify" he has met the Continuing Education requirements necessary to renew his license. Without self-certification, the licensee will be required to submit documentation with his application for license renewal or re-activation.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:
No new fees involved.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Donna Jones, (208) 334-3285 ext. 232.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before February 7, 2003.

Dated this 7th day of November, 2002.

2004 - Business House Pending Rule (Yellow)

Donna M. Jones, Executive Director
Idaho Real Estate Commission
633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 33-0101-0301

305. -- ~~9399~~. (RESERVED).

RULES 400 THROUGH 499 - CONTINUING EDUCATION

400. CONTINUING EDUCATION A PREREQUISITE FOR RENEWAL OF ACTIVE LICENSE.

Every licensee applying to renew a license on active status, or applying to change from inactive to active license status, shall first meet the continuing education requirements set forth in Sections 54-2018 and 54-2023, Idaho Code. (11-13-02)T

401. OBTAINING CONTINUING EDUCATION CREDIT.

In addition to those courses that have been certified or preapproved for continuing education by the Commission, and as provided in Section 54-2023(5)(e), Idaho Code, a licensee may obtain continuing education credit for the successful completion of any course meeting either of the following descriptions, without the preapproval or certification of the Commission: (11-13-02)T

01. Professional Designation Courses. Courses developed by national professional organizations and that are required in order to earn professional designations from a national organization in specialized areas of licensed real estate practice; or (11-13-02)T

02. Courses Accredited By Other Professions. Courses approved by and offered in satisfaction of another professional or occupational licensing authority's education requirements, if within the approved topics listed in Rule 402. (11-13-02)T

402. APPROVED TOPICS FOR CONTINUING EDUCATION.

01. Topics Approved By The Commission. Approved topic areas for continuing education, as provided for in Sections 54-2023 and 54-2036, Idaho Code, include the following: (11-13-02)T

- a.** Real estate ethics; (11-13-02)T
- b.** Legislative issues that influence real estate practice; (11-13-02)T
- c.** Real estate law; contract law; agency; real estate licensing law and administrative rules; (11-13-02)T
- d.** Fair housing; affirmative marketing; Americans with Disabilities Act; (11-13-02)T
- e.** Real estate financing, including mortgages and other financing techniques; (11-13-02)T
- f.** Real estate market measurement and evaluation; (11-13-02)T

2004 - Business House Pending Rule (Yellow)

- g.** Land use planning and zoning; land development; construction; energy conservation in building; (11-13-02)T
- h.** Real estate investment; (11-13-02)T
- i.** Accounting and taxation as applied to real property; (11-13-02)T
- j.** Real estate appraising; (11-13-02)T
- k.** Real estate marketing procedures related specifically to actual real estate knowledge; (11-13-02)T
- l.** Real estate inspections; (11-13-02)T
- m.** Property management; (11-13-02)T
- n.** Timeshares, condominiums and cooperatives; (11-13-02)T
- o.** Real estate environmental issues and hazards, including lead-based paint, underground storage tanks, radon, etc., and how they affect the practice of real estate; (11-13-02)T
- p.** Water rights; (11-13-02)T
- q.** Brokerage office management and supervision; and (11-13-02)T
- r.** Use of calculators or computers as applied to the practice of real estate. (11-13-02)T
- 02.** **Other Topics.** Upon written request, the Commission may also approve any other topic that directly relates to real estate brokerage practice and that directly contributes to the accomplishment of the primary purpose of continuing education, which is to help assure that licensees possess the knowledge, skills, and competency necessary to function in the real estate business in a manner that protects and serves the public interest. The knowledge or skills taught in an elective course must enable licensees to better serve real estate consumers. (11-13-02)T
- 03.** **Topics Not Eligible For Continuing Education Credits.** The following activities shall not be eligible for approval for compliance with the continuing education requirement; (11-13-02)T
- a.** Those which are specifically exam preparation in nature; (11-13-02)T
- b.** Those which deal with office or business skills, such as: (11-13-02)T
- i.** Typing; (11-13-02)T
- ii.** Speed reading; (11-13-02)T
- iii.** Memory improvement; (11-13-02)T
- iv.** Body language; (11-13-02)T
- v.** Motivation and similar activities; (11-13-02)T
- c.** Those which are held in conjunction with a brokerage firm's sales promotion or sales meetings; or (11-13-02)T
- d.** Those which are held by trade organizations for licensee's orientation. (11-13-02)T
- 403.** **CERTIFICATION OF COMPLIANCE AND SATISFACTORY PROOF.**

2004 - Business House Pending Rule (Yellow)

REAL ESTATE COMMISSION **Rules of the Idaho Real Estate Commission**

Docket No. 33-0101-0301
Temporary and Proposed Rulemaking

As required by Section 54-2018, Idaho Code, a licensee applying to renew an active license, or to change from inactive to active status, shall certify having met the continuing education requirements set forth in Section 54-2023, Idaho Code, in the form and manner approved by the commission. The licensee shall keep satisfactory proof of having completed the requirement, and upon request, shall provide satisfactory proof to the Commission of having completed the requirement. (11-13-02)T

01. Commission Request For Proof Of Compliance. The commission may request satisfactory proof of continuing education compliance from any licensee who has submitted a certification of continuing education compliance. The request shall state the time within which the proof must be received in the Commission office, which time shall not be less than ten (10) business days. (11-13-02)T

02. Satisfactory Proof Of Compliance. Upon request from the Commission, the licensee shall submit satisfactory proof of having met the continuing education requirement. Satisfactory proof shall include, for each course listed in the certificate of compliance, the following: (11-13-02)T

a. Satisfactory evidence of having successfully completed the course, which shall consist of: (11-13-02)T

i. A transcript of the course taken; (11-13-02)T

ii. A letter from the provider verifying successful completion of the course; or (11-13-02)T

iii. A course completion certificate; and (11-13-02)T

iv. Shall clearly identify the licensee, the title of the course or challenge exam, the course provider, the number of classroom hours, and the challenge exam or course completion date; and (11-13-02)T

b. Satisfactory evidence that the course listed is approved for continuing education credit, as provided by section 54-2023, Idaho Code, which shall be established by the course certification approval number. The Commission may, in its sole discretion, accept alternative documentation establishing that the course is approved for credit. (11-13-02)T

404. FAILURE TO SUBMIT SATISFACTORY PROOF - INACTIVATION OF LICENSE.
Failure of a licensee to comply with a Commission request for satisfactory proof of continuing education compliance shall be deemed an insufficient application for licensure under Section 67-5254, Idaho Code, and shall result in the immediate inactivation of the license. The inactivation of the license shall be deemed a partial expiration of the license. (11-13-02)T

405. AUTHORITY TO INVESTIGATE AND DISCIPLINE NOT LIMITED.
Nothing in these rules shall limit the Commission's authority granted in Sections 54-2058 through 54-2065, Idaho Code, to investigate and discipline a licensee for misconduct. (11-13-02)T

406. FALSIFICATION OF CERTIFICATES OR DOCUMENTATION.
Any licensee who, acting alone or in concert with others, wilfully or knowingly causes or allows a Certification of Continuing Education Compliance, or any written documentation verifying a Certification of Continuing Education Compliance, to be submitted to the Commission which is false, fraudulent, or misleading, shall be subject to disciplinary action, including but not limited to suspension or revocation of license, in accordance with Chapter 52, Title 67, Idaho Code; provided, however, that nothing herein shall entitle such licensee to notice and hearing on the automatic inactivation of license provided for in these rules. (11-13-02)T

407. -- 999. (RESERVED).

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